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TRANSACTIONS OF THE
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ENGLISH PROVINCIAL TOWNS IN THE EARLY SIXTEENTH CENTURY

By W. G. Hoskins, M.A., Ph.D., F.R.Hist.S.

READ 8 JANUARY 1955

I

ENGLISH historians have concentrated almost exclusively upon the constitutional and legal aspects of town development. They have concerned themselves with the borough rather than the town, with legal concepts rather than topography or social history, just as the agrarian historians have been preoccupied with the manor rather than the village. Local historians of towns and villages have, with two or three notable exceptions, followed suit in this ill-balanced emphasis. The result is that we know surprisingly little about the economy, social structure, and physical growth of English towns before the latter part of the eighteenth century.

Literary sources help us to form some idea about late medieval towns, but taken by themselves they can be misleading. Thus *The Italian Relation of England*,[1] written about 1500, tells us that 'there are scarcely any towns of importance in the kingdom excepting these two: Bristol, a seaport to the West, and Boraco, otherwise York, which is on the borders of Scotland; besides London to the South.' English provincial towns may well have been small by Italian and Flemish standards, but one cannot single out York for special mention without speaking equally of Norwich and Coventry, Exeter and Salisbury, Ipswich, Canterbury

[1] *A relation, or rather a true account, of the isle of England, about 1500*, translated from the Italian by C. A. Sneyd (Camden Society, O.S., xxxvii, 1847).

and Lynn, all of which were substantially wealthier than York at this date.

It is not until we come to Leland that we hear much of English towns in general, and even that is meagre and tantalizing enough. Leland was an antiquary and was little interested in economic affairs. Many of his incidental descriptions of the countryside he traversed, and of the towns he visited, are of some value as contemporary evidence, but like most of his contemporaries he had eyes only for the cloth industry and for active markets, so far as economic matters were concerned. Repeatedly he tells us that a town 'standeth all by clothing' or is 'a good quick market', but beyond that he rarely ventures into the economic field; and where he does we may be led astray by his impressionistic picture.

Of Birmingham, for example, we are told that 'a great parte of the towne is mayntayned by smithes', who got their iron out of Staffordshire and Warwickshire and their coal out of Staffordshire. We might be forgiven for envisaging Birmingham already as mainly a town of metal trades. The smiths, lorimers, and nailers probably made more noise and show, but wills and tax-assessments tell us that the wealthiest townsmen were still tanners and butchers, as in many other Midland towns. Leland in fact tells us very little about industrial and commercial England, valuable though he is as an occasional commentator; nor does he enable us to form the slightest idea of the comparative size and importance of towns.

If we wish to obtain an accurate picture of the English economy in the first half of the sixteenth century we must turn to the accounts and assessments of the lay subsidies of that period, above all to the comprehensive subsidies of 1523–7 and 1543–4; to the preliminary survey of 1522, in the few cases where it still survives; and, for some urban population figures, to the chantry certificates of 1545. These are the basic records that enable us to check and to amplify Leland's descriptions, and to place the towns in the order of their importance in the national economy.

This is no place to discuss the deficiencies of the lay subsidy authorized in 1523.[1] It is sufficient to say that it was by far the

[1] An account of the origin and incidence of the subsidy is given in the Introduction to *Suffolk in 1524: Subsidy Return* (Suffolk Green Books, no. x. Woodbridge, 1910). For the text of the act of 1523, see *Statutes of the Realm*, iii. 230–41. The act did not extend to Queen Catherine, nor to the inhabi-

most comprehensive of any subsidy either before or after, that it was indeed the most all-embracing tax since the poll tax of 1377, and that, unlike that tax, it attempted a differential assessment of incomes from lands, of the capital value of personal estate, and of incomes from wages, all of which valuations bore some recognizable relationship to the true facts. It was a completely new valuation, abandoning altogether the assessments of the past which had become increasingly conventional and remote from reality.[1] The greater part of the subsidy was gathered in two instalments in the early months of 1524 and 1525.[2] A third instalment in 1526 fell upon persons with lands to the value of £50 a year and over, and need not be considered in any account of the towns; and a fourth instalment, gathered in 1527, fell upon all who possessed personal estate to the value of £50 and more. I have used the totals of the first, second, and fourth payments, so far as they are available, to draw up the following table (overleaf) showing the ranking, in order of taxable capacity, of the first twenty-five provincial towns, to which London has been added for the sake of comparison.[3]

Neither Newcastle and Durham nor Chester and Carlisle were taxed in 1523. Of the economic importance of Chester, Carlisle, and Durham we can form almost no idea; that they would have appeared somewhere in the above list is just possible. The omission of Newcastle is more serious, but can be rectified with some

tants of Ireland, Wales, Calais, Guernsey, and Jersey. In England it excluded the English inhabitants of the Cinque Ports and the members thereof, the counties of Northumberland, Cumberland, Westmorland, and Cheshire, the bishopric of Durham, the towns of Brighton and Westbourne, the wardens of Rochester Bridge, and the town of Ludlow.

[1] There is no need to multiply examples; the treatment of Salisbury was typical enough of the new approach. In the tenth granted in 3 Henry VIII Salisbury was called upon to pay £65.6.10. The lay subsidy in the same year yielded £143.16.8, while the subsidy of 1523–7 yielded £852.5.7.

[2] All those assessed at £40 and over in lands or goods were required to pay the first instalment of the subsidy by way of an Anticipation in the autumn of 1523, but the tax so paid is included in the accounts and assessments of 1524.

[3] The figures are extracted mainly from the totals returned to the Exchequer and may be found in P.R.O., Exchequer L.T.R., Enrolled Accounts (Subsidies), E. 359/41. They have been supplemented where necessary by an examination of the particular assessments (E. 179). Very occasionally both these sources fail to produce a complete answer, which accounts for the approximate figures attached to some towns in Table I.

Table I. *Tax Yield of London and 25 Leading Provincial Towns in the Subsidy of 1523–7* (*to nearest pound*)

London	£16,675	Lavenham	£402
Norwich	1,704	York	379
Bristol	1,072	Totnes	*c.* 317
Coventry	974	Worcester	312
Exeter	855	Gloucester	*c.* 307
Salisbury	852	Lincoln	298
Ipswich	657	Hereford	273
Lynn	576	Yarmouth	260
Canterbury	532	Hull	256
Reading	*c.* 470	Boston	*c.* 240
Southwark	455	Southampton	224
Colchester	426	Hadleigh	*c.* 224
Bury St. Edmunds	405	Shrewsbury	*c.* 220

degree of confidence. In 1334 she stood third among the provincial towns in order of wealth, exceeded only by Bristol and York. Sixteenth-century musters, especially that for 1547, suggest that she was just about as populous as Bristol, and considerably more populous than York, Exeter, Salisbury, and Coventry.[1] There can be little doubt that had Newcastle been taxed in 1523–7 she would have emerged as not lower than fourth among the provincial towns.

The preponderance of eastern England over the rest of the country was as marked in the early sixteenth century as it had been two hundred years earlier. If we define eastern England in its widest sense, to include what the geographers call the Lowland Zone, no fewer than sixteen of the leading twenty-five towns in 1334 lay in this half of the country, the remaining nine being divided equally between the midlands, the west, and the south.

[1] The quotas fixed in 1334 for the tenth, whenever it should be demanded, give as accurate a picture of the economic standing of the towns as we could hope for. They are conveniently gathered together in P.R.O., Exchequer K.R. Misc. Books, E. 164/7. The details of the Newcastle musters in 1539 and 1547 are given in R. Welford, *History of Newcastle and Gateshead: Sixteenth Century* (London, 1887), pp. 173–4, 244. There were 1,714 able-bodied men in the latter year. A conservative multiplier for arriving at the total population would be six, so that the town had rather more than 10,000 people in that year. Newcastle maintained her place as fourth among provincial towns during the seventeenth century. The number of hearths at Newcastle in 1662 was exceeded only by that at Norwich, York, and Bristol (C. A. F. Meekings, *Dorset Hearth Tax Assessments, 1662–1664*, Appendix III (Dorchester, 1951)).

Two hundred years later the balance was much the same: fifteen of the leading twenty-five towns still lay on the eastern side, though there had been some internal changes of place; but there was also a noticeable tilting of the economic balance towards the west in the 1520's with the rise of Exeter, Totnes, and Worcester. There had been other notable changes between the early fourteenth century and the early sixteenth. Most important of all was the greatly enhanced economic strength of London. Whereas in 1334 London had been just over three times as wealthy as the richest provincial town (Bristol), in the 1520's she was just about ten times as wealthy as Norwich, the leading provincial city, and more than fifteen times as rich as Bristol. Another remarkable change had been the emergence of Exeter and Coventry from comparative economic obscurity, and to a lesser degree of Canterbury and Reading, not to mention the two little cloth towns of Lavenham and Totnes.

In the main, the ranking of the towns according to their taxable capacity reflects also their ranking in terms of population, but there are some exceptions to this obvious rule where the presence of one or two exceptionally rich merchants inflated the wealth of the town disproportionately. We know little as yet about the population of the sixteenth-century towns, except at Coventry, where the mayor numbered the people in 1520 and made the total 6,601.[1] London at this date had just about 60,000 people, possibly a little under.[2] Bristol pretty certainly had between 9,500 and 10,000 people, Exeter and Salisbury round about 8,000, Worcester about 6,000, Gloucester slightly over 4,000, Shrewsbury about 4,000. York, which had had nearly 11,000 people in the late fourteenth century, now had fewer than 8,000 in its four urban wards. For Norwich—the largest provincial city in both wealth and numbers—there is a lack of direct information, but the probability is that the city contained between 12,000 and 12,500 people in 1524.[3] Thus only one provincial

[1] *The Coventry Leet Book*, ed. Mary Dormer Harris, iii. 674–5.

[2] J. C. Russell, *British Medieval Population*, p. 298, suggests a population of 67,744 on the basis of the chantry certificates of 1545.

[3] My estimates for Bristol, Exeter, Salisbury, and York are based upon the taxable population in the 1524 assessments, as compared with the known Coventry totals. The estimates for Gloucester and Worcester are based upon the chantry certificates. For Norwich, neither the chantry certificates nor the complete 1524–5 assessments survive, but I calculate (by comparison with

town in England contained more than 10,000 people, and not more than twelve or fourteen others exceeded 5,000.

A considerable number of towns, like Plymouth or Taunton, Northampton, Leeds, or Wakefield, numbered from three to four thousand people each, but the majority of active market-towns kept a consistent size with two to three hundred households each, say from 1,000 to 1,500 people in all. In nearly every county one would have found half a dozen such towns. Even smaller were a number of towns that were nevertheless considered significant enough to be incorporated during the course of the century, towns such as Banbury, Bideford, and Sutton Coldfield, with only six or seven hundred inhabitants each.

II

In certain towns one or two rich men dominated the place and gave it a standing which its numbers alone would not have justified. Coventry, Lavenham, and Totnes are cases in point. Though only two-thirds the size of Bristol in population, Coventry ranked nearly as high in taxable capacity by reason of three rich men—Richard Marler, grocer, Julian Nethermill, draper, and Henry Pysford, merchant of the staple, all of whom were much wealthier than anyone in Bristol. Marler alone, one of the three or four richest merchants in provincial England, paid nearly one-ninth of Coventry's tax; and the three together paid a trifle more than a quarter of the total subsidy of the town. The little cloth town of Bradford-on-Avon in Wiltshire was completely overshadowed by Thomas Horton, one of the largest clothiers in the south of England. He paid no less than seventy per cent of the subsidy from the borough and was assessed at ten times the figure of the next wealthiest clothier. In the much larger town of Leicester, William Wigston the younger, merchant of the staple, was a similar magnate. He paid slightly over a quarter of the total subsidy. He and his cousin, William Wigston the

the Exeter figures for 1524) that the complete Norwich assessment in 1524 would have contained about 1,320 names, giving a total population of just about 12,000. W. Hudson and J. C. Tingey, *Selected Records of the City of Norwich*, ii, p. cxxiv, say that 1,400 persons contributed to the subsidy of 1524 but give no authority for this statement. If it is correct, the maximum population for the city would be about 12,600.

elder, paid just under a third of the total subsidy between them. In the Suffolk cloth town of Lavenham, the eminent Thomas Spring III was equally dominant. He died shortly before the subsidy was levied, but the preliminary survey for it shows him to have been the richest man, other than some of the peerage, outside London. At the time of his death he was lord of twenty-six manors in eastern England, and landowner in over a hundred others. His widow and daughter were assessed together on goods to the value of £1,333.6.8, still the highest assessment of any outside London and the peerage, and his son John at Bures, described as esquire, was assessed at the same time on £200 a year from lands.[1] At Lavenham the Springs paid 37 per cent of the total subsidy on goods in the town in 1524.

At Norwich, Robert Jannys, grocer, paid in subsidy practically as much as the entire city of Rochester and rather more than Richard Marler at Coventry; but in a larger and richer city he was not the same dominating figure as Marler. He paid one-fourteenth of the total subsidy, as against Marler's ninth. Similarly, at Exeter the merchant family of Crugge, represented by a widow and her son, paid one-tenth of the entire subsidy from the city in 1524.

In contrast to Norwich, Coventry, and Exeter, neither Bristol nor Ipswich contained any over-mighty merchant family. At Ipswich the highest individual assessment was £300, at Bristol only £240. William Canynges, the most eminent provincial merchant of his age, had died fifty years earlier and his vast business had dissolved. Bristol had not collapsed or even gone into a decline as a result, because its economy was too broadly based; but in a lesser town the disappearance of a single dominating business or family, such as the removal of the Wigstons from Leicester, might have a serious effect upon the whole community, above all in a time of economic and political changes when there were new opportunities waiting to be seized by energetic or visionary men.

[1] Beatrice McClenaghan, *The Springs of Lavenham and the Suffolk cloth trade in the fifteenth and sixteenth centuries* (Ipswich, 1924), *passim*, for the possessions of Thomas Spring III. The Spring tax-assessments of 1524 will be found in *Suffolk in 1524*, pp. 19, 24, 405. A transcript of the 1522 survey for Babergh hundred in Suffolk, which includes Lavenham, is to be found in the Ipswich public library.

The disappearance of the Canynges from Bristol illustrates, indeed, a general feature of the social and economic history of English towns, and that was the remarkable constancy with which successful urban families came and went in a matter of three generations at the most. No merchant patrician class ever formed in the English towns. Recruited largely from the younger sons of the free peasantry and the minor gentry of the adjacent countryside, the successful merchants returned to the land within a hundred years—usually much less—and their businesses dissolved into farms and fields, crops and stock. For a time, in the second and third generations, they might own a not inconsiderable amount of urban property, but there seems to have been no attempt to retain this at any time as a long-term investment.

It is sometimes said, and often implied, that the merchant-class was recruited largely from among landless men, often hardly better than vagabonds. Pirenne cites the remarkable case of Godric of Finchale, born of peasant stock in Lincolnshire towards the end of the eleventh century, who began his career as a beachcomber, made a lucky haul, started a pedlar's pack, and thereafter never looked back.[1] Such a start may have been commoner in the beginnings of mercantile society, but by the fifteenth and sixteenth centuries the successful merchant was far more likely to have started with a little property of his own, or at least with the financial and moral support of a franklin family behind him. Hooker's Commonplace Book at Exeter gives us potted biographies of all the sixteenth-century mayors, who were, with very few exceptions, merchants by calling. They had, again with few exceptions, come into the city from outside, some from far afield, from Wales, Cheshire, Suffolk, and Worcestershire, others from the adjoining counties of Somerset and Dorset, and most from the Devonshire countryside. Of the Devonians who rose to be mayors of Exeter, the Periams, Hursts, Staplehills, Spurways and Peters, among others, were all members of franklin

[1] H. Pirenne, *Economic and Social History of Modern Europe*, pp. 47, 49, 163, 164. At Swaffham in western Norfolk there is a somewhat similar story about one John Chapman, a fifteenth-century merchant, who is supposed to have begun his successful career as a pedlar after finding (directed by a dream) a useful cache of goods. Such stories are not uncommon in other countries, and may have a considerable basis of truth, but they serve to show the rarity of the vagabond-type becoming successful merchants rather than the opposite.

families with pedigrees and lands going back two or three hundred years; and those who came in from other counties were often similarly descended, like Richard Martyn (mayor in 1533), who was the second son of Sir Richard Martyn of Athelhampton in Dorset. It is significant that of all the mayors described by Hooker only one—Robert Tucker, mayor in 1543—is described as 'of mean parentage'.[1]

At Leicester, the substantial merchant-family of Wigston had originated in the neighbouring village whence they took their name, and where they had a pedigree and deeds going back well into the twelfth century. They had migrated to Leicester in the 1340's, but do not seem to have established themselves as considerable merchants until about a hundred years later. At Coventry, the immediate origin of the Marlers, who first appear in the town in the 1460's, is uncertain, but they are found as small landowners (perhaps of the peasant class) not many miles from Coventry in the early fourteenth century. London, too, recruited her merchant-class to a marked degree from the younger sons of small landed families in the provinces—such as the Greshams of Norfolk, the Skevingtons of Leicestershire, the Cloptons of Warwickshire, and so on. They may have been landless in strict truth, but it was a considerable help to have behind one several hundred paternal acres and doubtless some liquid capital. In London and in the provincial towns the merchant-class was constantly changing in composition, losing its successful members to the landed class and recruiting from the same class, though possibly from a lower level.

Once arrived in town, three generations usually sufficed to see the end of the commercial or industrial phase. There were three generations of Springs at Lavenham (*c.* 1400–1523), three merchant-generations of Canynges at Bristol (*c.* 1369–1474), three of the Marlers at Coventry (1469–1540), three of the Wigstons at Leicester (*c.* 1430–1536). It was rare for a successful merchant family to stay in town beyond the third generation: often they had left for a substantial country estate within two generations. This rapid extinction might be no matter for surprise in families that had achieved a comfortable fortune, but even among smaller and more humdrum businesses it seems to have been quite exceptional to go beyond the third generation. An examination

[1] Exeter city records, Book 51, *passim*.

of the Freemen's Register at Leicester,[1] a great catalogue of the obscure, shows us that in the sixteenth and seventeenth centuries it was rare for any Leicester business to last a hundred years. The exceptions can certainly be counted on the fingers of one hand. Here it is not a matter of a large mercantile business being transmuted into lands, but of some more prosaic death from natural causes. The longevity of urban families and businesses would well repay further enquiry. Even below the ranks of the outstandingly successful, urban businesses were constantly changing in scope and personnel; and so consequently were town populations as a whole. The continual mobility of both urban and rural populations in the fifteenth and sixteenth centuries, and probably at an earlier period also, is very evident. Whether or not the labouring class was as mobile as the remainder of the population is another matter: the records of this class are particularly meagre. The poor have no annals, not even a tax assessment, that sad passport to immortality.

Urban property has been curiously little studied by economic and social historians in this country. In many continental cities, such as Arras, Barcelona, and Lübeck, 'the upper layers of urban society in the Middle Ages sprang from the families which happened to own land in the towns in the early stages of their history, and got rich as the rents and land values of town property rose,' but the history of this class is not everywhere so simple and uniform.[2] English towns have yet to be studied in this way, but even in the early sixteenth century it would be difficult to assert that urban incomes were derived to any noticeable extent from urban property, and equally hard to detect any sustained interest in urban property as an investment. If we may take the examples of the richest merchants in Bristol, Coventry, and Exeter as a guide in this uncharted field, they do not suggest any marked, certainly not a prolonged, interest in such investment. It is true that William Canynges, at the time of his death in 1474, had accumulated fifty-five urban messuages among much other property, but there is no indication that his heirs kept this accumulation together. At Exeter, William Crugge, starting

[1] *Register of the Freemen of Leicester, 1196–1930*, ed. Henry Hartopp (2 vols., Leicester, 1927–31).

[2] M. Postan, 'The Trade of Medieval Europe: the North', *Cambridge Economic History of Europe*, ii. 172–3.

as a newcomer, had, at the time of his death in 1520, acquired nineteen houses in the city, which yielded £20 a year clear, but his son and heir had got rid of them all within a dozen years, while retaining most if not all the rural property. At Coventry, Richard Marler owned fifty houses in 1522, producing the respectable income of £41.3.8 a year. A good deal of this was cottage property, let at rents of four to eight shillings a year, which suggests a deliberate investment policy, but again the accumulation was not kept together in the next generation.[1]

The lack of any widespread or sustained interest in urban property investment is revealed again when the monastic property within the city of Exeter was thrown on to the market from 1539 onwards. Most of the leading citizens were but mildly interested in the acquisition of the house-property, and then only as potential warehouses rather than as residences. There is, however, some clear investment by a few in the middle years of the century, when five wealthy merchants bought ex-monastic house property to the tune of over a hundred pounds apiece. One merchant laid out no less than £309.16.10 for property confined almost entirely to one parish and to tenements held at will.[2]

Interest in urban property as an investment quickened noticeably later in the century, stimulated by the rapid growth of population, above all in the towns, in the last quarter of the century, and by the housing problems which this created. We must remember, too, that the comparative lack of interest in this field of investment in towns like Bristol, Exeter, and Coventry in the late fifteenth century and the early sixteenth may well have arisen from the greater profitability of external and internal trading in particularly active towns. The house-property market in such towns was extremely sluggish and uninviting, if we may judge by Norwich, where the act of 1534 for the re-edifying of void grounds within the city recites that a great number of houses had been destroyed in a fire twenty-six years earlier and

[1] For Canynges's property see *The Antiquities of Bristow in the middle centuries*, ed. James Dallaway (Bristol, 1834), p. 192. For the Crugge property there are the wills and inquisitions post mortem of William Crugge and John Crugge in Somerset House and the P.R.O. respectively. For Marler there is the survey of 1522 among the Coventry archives (Accounts Various, 18).

[2] Joyce Youings, 'The City of Exeter and the Property of the Dissolved Monasteries', *Trans. Devonshire Assoc.* lxxxiv (1952), 131, 139–40.

had not yet been rebuilt. It would be interesting to discover in what kinds of towns, and among what kinds of people, urban property investment first becomes apparent to a noticeable degree. Stow has a number of references to building activity by Elizabethan merchants and shipwrights on the edge of London, particularly on the eastern side, and chiefly of cottage property for the swarming labouring population; and there are hints of building activity in the provinces about the same time.[1]

III

When we turn to consider the occupations of English townspeople in the reign of Henry VIII, we are much in the dark, especially when we move away from the purely cloth towns. We know far more about the foreign trade of this country than we do of its internal economy, and more about the one great export industry at this time than about all the other industries put together. It is time we remedied this deficiency in our knowledge, and the following remarks are offered as a starting-point. They relate to a group of three Midland towns—Coventry, Northampton, and Leicester—for which the necessary information is forthcoming, and they illustrate types of urban economy other than the purely 'cloth town'. At Coventry we are told the precise occupations of some 635 persons in the military survey of 1522; at Northampton the 1524 assessment for the subsidy gives us the occupations of 390 persons; and at Leicester the very full Freemen's Register serves the same purpose for several hundred persons round about these years.[2]

We obtain a clear picture of the economy of these three towns if we list the twelve leading occupations in each:

[1] *Stow's Survey of London*, ed. Henry Morley (London, 1893), pp. 375, 384, and *passim*. At Plymouth one of the principal merchants built a street which in 1584 was called 'Sperkes newe streate' and survives as New Street today. It was a middle-class street, judging by the remaining houses. At least two other streets in Elizabethan Plymouth were named after rich merchants, and the assumption is that they financed their building.

[2] These figures cover most of the occupied persons in these towns. I have excluded from them all such general categories as labourers, servants, and yeomen, who would, in any event, have been fairly evenly distributed among the principal crafts and trades of the town. The Coventry survey has already been noted; the Northampton assessment is in P.R.O., E. 179, 155/124.

Table II. *The Leading Occupations of three Midland Towns in the early Sixteenth Century*

Coventry (1522)		Northampton (1524)		Leicester (1510–40)	
1. Cappers	83*	Shoemakers	50	Butchers	27
2. Weavers	41	Bakers	21	Shoemakers	24
3. Shearmen	38	Tailors	20	Tailors	18
4. Butchers	36	Weavers	20	Mercers	16
5. Shoemakers	28	Tanners	15	Weavers	16
6. Drapers	28	Mercers	15	Bakers	15
7. Dyers	28	Butchers	14	Tanners	11
8. Bakers	27	Glovers	13	Glovers	10
9. Mercers	26	Fullers	12	Smiths	7
10. Tailors	21	Drapers	9	Millers	7
11. Tanners	15	Dyers	9	Barbers	7
12. Smiths	14	Millers	9	Shearmen	7

* Includes 12 hatmakers.

It should be noticed that the Leicester figures cover a period of time (admissions to the freedom) and that though the ranking of the occupations is comparable with that of the other towns, the individual totals are not.

Northampton and Leicester were towns of roughly equal size, with round about 3,000 people each in the 1520's. Coventry was rather more than twice as large, with 6,600 people. At Northampton, some 63 distinct trades are listed at this time; at Leicester about 60, but here some may have escaped the Freemen's Registers; and at Coventry there were 90 separate trades. In Elizabethan Bristol there were over a hundred distinct trades for apprentices to choose from. If we group this diversity of occupations into certain well-defined classes of trades, some profitable conclusions emerge. Coventry was primarily a textile town, though much less so than Lavenham in Suffolk, and of the three was the most markedly industrial in character. Northampton was less industrial in character, but showed a decided bent towards specialization in the leather trades. Leicester had no marked industrial character, but a leaning towards the leather and allied trades was becoming evident by the first quarter of the sixteenth century.

When we consider the clothing trades, the food and drink trades, and the building trades, three groups which necessarily

bulked large in any town economy, we observe an interesting similarity between the three towns which suggests a conclusion worthy of general application. The wholesale and retail clothing trades in each provided work for 14 to 15 per cent of the occupied population; the food and drink trades for 15 to 21 per cent; and the building trades for 4 to 7½ per cent.[1] These figures tend to suggest that in any English provincial town with the rudiments of an urban character, some 35 to 40 per cent of the population were employed in three fundamental groups of trades. Even in a more specialist textile town like Coventry, the proportion occupied in these trades is still as high as one-third. With results of this kind, we are beginning to get away from the stock picture of the cloth town and to appreciate something of the variety of urban economies.

Table III. *The Trades of three Midland Towns (classified as percentages of all occupations)*

Trades	Coventry	Northampton	Leicester
Clothing	14	15	15
Food and Drink	15½	15	21
Building	4½	7½	4
Leather (and allied)	11	23	19
Textile	33	13½	8½
Metal	8	3	3
Percentages of all occupations	85½	77	70½

Minor, yet still significant, differences also reveal themselves in these towns, such as the marked leaning of Coventry towards the metal trades, which were roughly twice as important here as in the other two towns. Besides the universal smiths and pewterers, Coventry had girdlers, wiredrawers, nailers, cutlers,

[1] Any system of classification is open to detailed objections, but in distinguishing the textile trades from the wholesale and retail clothing trades I have put the cappers and hatters of Coventry under textiles rather than clothing, as the trade was clearly producing mainly for an external market; and I have classified the shoemakers under leather and allied trades rather than clothing for the same reason.

bladesmiths and locksmiths, spurriers, and a spoon-maker. At Northampton, the building trades were appreciably more important than at Coventry and Leicester, the difference being due mainly to the greater number of masons and stone-slaters (helliers) in a town on the great belt of Jurassic building stone. It is curious to note, in passing, that timber building was replacing stone building in the town by the second quarter of the sixteenth century: Leland observes that all the old building is of stone, all the new of timber. Yet elsewhere it is stone building which replaces timber during the sixteenth century, as in the Cotswolds and in north Yorkshire for example. Is there some difference in the costs of town and country building at this date which would account for this apparent anomaly?

At Leicester the higher proportion of occupied persons in the food and drink trades is accounted for almost entirely by the particularly large number of butchers. Like the metal-workers of Coventry, the number of Leicester butchers suggests the development of a considerable market beyond the purely local. Unless the Leicester butchers were supplying meat to the London market, of which there is yet no evidence, they must have been more interested in providing hides for the local tanners than meat for the townspeople.

The size of local markets, and the magnitude of internal trade generally, is one of the more obscure aspects of English economic history. Unlike foreign trade, with its copious customs accounts and, later, port books, internal trade is documented only intermittently, as for example in lawsuits and occasionally in travellers' notebooks. But that it was vastly important even in the early sixteenth century is borne in upon one by a study of Leland's pages, in which he repeatedly singles out towns with markets above the ordinary level. In Northamptonshire, for example, Oundle was a particularly good market, and Wellingborough was 'a good, quik market toune'. Berkhamstead is described as one of the best market-towns in Hertfordshire; Kingston was the best market-town in all Surrey. In the north, Manchester, with its two fair market-places, was the 'best buildid, quikkest, and most populus tounne of al Lancestreshire'—though in fact it had only about fifteen hundred people in the 1520's—and Leeds is described as having a more lively market than Bradford. Wakefield was better than either—so well served with meat and fish

and all other victuals that an honest man could get a good meal for twopence.

Darlington and Wolverhampton were also specially commended by Leland as good market-towns. Swaffham is described as 'one of the quikkest markettes of al Northfolk. . . . It stondith much by handy crafte men, and byers of grayne'—an unusually verbose entry for Leland which suggests that the occupational structure of Swaffham would be particularly interesting could we but unravel it.[1] Luton is noted as a specially good market for barley. The high importance of the weekly market in the life of most English towns is revealed, too, when the decay of a whole town, like Leominster, is attributed by Leland to the removal of the market; or when the unquestionable decay of Coventry by the middle of the sixteenth century is attributed by Dugdale to the dissolution of the religious houses of the town, which had attracted a great concourse of people to the town for the supply of their material needs.[2]

The daily importance of shops and handicrafts is even more difficult to assess, but it is strongly suggested by the foregoing analysis of the three Midland towns, and indeed by a walk today around any small, non-industrial country-town corresponding in size with its counterpart in Tudor England. We tend, I think, to over-emphasize the exceptional features of economic life because the records are more voluminous in these fields. Economic historians at any rate should pay more attention to commonplace things—to the laundry bills, if you like, which H. A. L. Fisher so much despised—or at least to the humdrum tax-assessments. The decline of the international fair in England is only one aspect of commercial history. Internal fairs may be less spectacular, but

[1] The assessments for the subsidy at Swaffham do not give occupations (it is rare for these assessments to do so), and we know nothing more than Leland tells us.

[2] Dugdale, in his *Antiquities of Warwickshire* (1656), observes that the city authorities purchased all the monastic lands in and near Coventry, and also all the lands of the gilds and chantries, but all this enterprise did 'not balance the Loss this City sustained by the Ruine of that great and famous Monastery, and other the Religious Houses. . . . For to so low an Ebbe did their Trading soon after grow, for want of such Concourse of People that numerously resorted thither before that fatal Dissolution, that many thousands of the Inhabitants to seek better Livelyhoods, were constrain'd to forsake the City.' The simultaneous decay of the cap and cloth trades was another important factor in Coventry's decline in these years.

none the less important economically. Daily shops and weekly markets, consumer goods and services, servants and labourers, are no doubt all very dull to contemplate, but they are nearer to the truth of past urban economies than thoughtless clichés about cloth, wool, and sheep.

We may put the comprehensive tax-assessment of 1524 to yet another use, and that is to ascertain the distribution of wealth in urban communities. It is possible, by comparing the preliminary survey—allegedly made for military purposes in 1522—with the actual assessment of 1524, to discover what proportion of the town populations escaped the subsidy. At Coventry, for example, no fewer than half the population (699 out of 1395 persons) were written off in 1522 as worth nothing in worldly goods. The subsequent tax-assessment managed to rope in a few of them and to extract from each the minimum sum of fourpence; but even so some 48½ per cent of the population still escaped this sweeping subsidy. At Exeter, the only other sizable town for which we have the relevant figures, the *nil* assessments amount to about 36½ per cent of the total population. The Exeter tax-collectors dug a little deeper into the pockets of the poor. At Leicester it has been calculated, from other records, that about one-third of the adult population escaped the net of the 1524 subsidy on the ground of poverty.[1] Thus in the larger towns of England at this date we may say that fully a third of the population—and considerably more in places—were so poor that they paid neither on the minimum level of wages nor the minimum level of goods. Poor widows were a large element in this propertyless class, as the Coventry survey shows: they were indeed the largest single class in that town.

Few wage-earners escaped the subsidy, and though the assessments vary from town to town in the carefulness of their definitions, we are able to ascertain the size of the urban wage-earning class with some degree of accuracy. When we discover that at Exeter those assessed on wages amount to 47 per cent of the taxable population, at Salisbury to 48 per cent, at Lavenham to

[1] The Exeter survey of 1522 is in the city archives (Misc. Book, 156a). It does not give occupations as the Coventry survey does, and is not so informative in other respects. The Leicester estimate is given by D. Charman 'Wealth and Trade in Leicester in the Early Sixteenth Century', *Trans. Leics. Arch. Soc.*, xxv (1949), 84.

50 per cent, and at Dorchester to 43 per cent, we may feel some confidence in saying that in the larger English towns just about one-half of the taxable population belonged to the wage-earning class, most of them paying the minimum rate to the subsidy. If to these we add the lowest class of all, those without any recognizable means of subsistence, fully two-thirds of the urban population in the 1520's lived below or very near the poverty-line, constituting an ever-present menace to the community in years of high food-prices or bad trade. The great mass of the wage-earning class clearly had no reserves at all with which to meet a bad spell.

These formed the broad base of the social pyramid in any given town. Roughly one-third of the population owned no property at all beyond the clothes they stood up in, the tools of their trade, and a few sticks of furniture: they lived at the level of Italian hill-peasants today. Another third of the population depended wholly or very largely on wages, and could exist with some degree of anxiety so long as work was regular and harvests about normal. Above this wide base, the pyramid rose through a middle-class of prosperous artificers, merchants, and professional men, to a needle-like point. Even in a semi-country town like Leicester, with no striking industrial development, we find that six families owned one-third of the taxable wealth of the town between them, and twenty-five persons, or 6 per cent of the taxable population, owned nearly three-fifths.

At Coventry and Exeter the facts are much the same. In the former, 2 per cent of the taxable population owned no less than 45 per cent of the taxable wealth, and 7 per cent owned just under two-thirds. At Exeter, too, about 7 per cent of the taxable population owned nearly two-thirds of the taxable wealth. At the other end of the social scale, two-thirds of the taxable population at Exeter paid the minimum rate to the subsidy.[1] Inequality in the distribution of worldly goods was already deeply rooted and strongly developed in English urban communities by the early sixteenth century, and marriage and inheritance had become powerful factors in the continuance and aggravation of this massive inequality. It is true that rich merchants died and no one might take their outstanding place in the town; that big businesses

[1] For Leicester, see Charman, *op. cit.*, 80–1. The figures for Coventry and Exeter are calculated from the 1524 subsidy assessments in the P.R.O.

dissolved and passed away in the form of lands into non-urban hands; that the topmost point of the pyramid was periodically broken off. But this was only a temporary alleviation of the social tension. The oligarchy at the top of the social structure remained small and exclusive, and the wide and solid base of the pyramid did not grow any less.

The problem of poverty was one of the acutest of all domestic problems for the later Tudors, as the price-revolution took its course from the 1540's onwards. It was above all an urban problem, and it had little or nothing to do with the dissolution of the monasteries and the end of monastic alms-giving. The poor as a class had a far longer history, and there was already a tendency for them to be segregated within certain districts. Though there was still some mixture of social classes in the sixteenth-century towns, outside the one or two principal streets which had long been the preserve of the well-to-do, we find undoubted evidence also of the increasing separation of the poor in the extra-mural suburbs, and in back lanes and side-streets within the walled area. Certain parishes in old cities like York and Exeter were almost entirely populated by the labouring class in the 1520's, and other parishes were equally reserved for the plutocracy. Though still medieval in so many ways, the provincial towns of the early sixteenth century had some markedly modern characteristics, not least in the lineaments of their social structure.

EMPIRE AND PAPACY: THE LAST STRUGGLE

By H. S. Offler, M.A., F.R.Hist.S.

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IN the early months of 1327 the communities of the Angevin kingdom of Sicily were ordered to send representatives to Naples, there to discuss means of opposing 'the lord Lewis, duke of Bavaria: *qui in Italiam transire disposuit et regnum Sicilie invadere, servans antiquum odium belli et interitus Corradini.*' [1] The reference to the last Hohenstaufen in this contemporary comment on Lewis' Italian enterprise is at first sight surprising. During the half-century following Conradin's execution the prestige of the empire in German hands had fallen steeply in the estimation of western Europe; all the activity of Dante's emperor could not disguise that fact. From time to time the Angevins at Naples urged the abolition of the institution, as something of which the usefulness was now outworn.[2] Other solutions were being talked of, such as the setting up of a separate hereditary kingdom in Lombardy[3] or the transference by election or papal provision

[1] Quoted from Carlo De Lellis' extracts from the Angevin archives by T. E. Mommsen, *Italienische Analekten zur Reichsgeschichte des 14. Jahrhunderts* (*Schriften der M*[*onumenta*] *G*[*ermaniae*] *H*[*istorica*], xi. Stuttgart, 1952), nr. 160, p. 75.

[2] Cf. the instruction given to the Angevin envoys to the Curia after the death of the Emperor Henry VII in August 1313, *MGH Const*[*itutiones*], iv, nr. 1253, p. 1369, and a similar memorandum from 1334 printed by C. Müller, *Der Kampf Ludwigs des Baiern mit der römischen Curie*, i (Tübingen, 1879), p. 393. The so-called 'bull' *Ne praetereat*, which is either an exercise in style or a hasty Angevin draft in the same sense, has provoked an enormous literature, out of proportion to its importance. The most recent discussion is by G. Tabacco, 'Un presunto disegno per l'unificazione dell'Italia', *Rivista storica italiana*, lxi (1949), 509.

[3] This scheme was adumbrated by Bernard Gui in his *Extractiones* from the *Opusculum tripartitum* of Humbert de Romanis: Martène et Durand, *Collectio Amplissima*, vii. 198. It was suggested again in the report which Bernard and Bertrand de la Tour sent to the Curia from Lombardy in 1317, S. Riezler, *V*[*atikanische*] *A*[*kten zur deutschen Geschichte in der Zeit Kaiser Ludwigs des Bayern*] (Innsbruck, 1891), nr. 50, p. 37. It came into the realm

of the imperial title to the ruling house of France. Perhaps too much importance has been attributed to some of these schemes, though there is no reason to doubt the seriousness of French ambitions to acquire as much as possible of the western possessions of the empire.[1] But their frequent recurrence, together with the known weakness of the German kingship, does indicate a climate uncongenial to a repetition of the themes of Hohenstaufen imperialism by a German ruler in the third decade of the fourteenth century. Consequently Lewis' conflict with the papacy has an anachronistic air. Long ago Gregorovius cast a stereotype destined to wear well, when he wrote that 'this afterpiece' was saved from being 'an utterly unbearable caricature of a great past' only by the 'progress of human thought' with which it was associated.[2]

'The progress of human thought' is scarcely a subject to be dealt with in the span of an hour, and the aim of this paper is much less ambitious. It is to discuss the conflict at the level of political action. What significance had 'this afterpiece' outside the realm of theory? Admittedly, the question can be posed thus only at the cost of an artificial distinction, but that may perhaps be justified by the sheer weight of the material which calls for consideration.

Much spadework on the sources was done in the second third of the nineteenth century by J. F. Boehmer and Julius Ficker, and somewhat later the opening of the Vatican Archives promoted a busy and fruitful, if rather disorderly, activity in publication. In

of practical politics in 1330–1, when there was a serious proposal to create a kingdom in Lombardy for Philip VI of France. Cf. H. Otto, 'Zur italienischen Politik Johanns XXII', *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, xiv (1911), 189; F. Bock, 'Kaisertum, Kurie und Nationalstaat im Beginn des 14 Jahrhunderts', *Römische Quartalschrift f. christliche Altertumskunde*, xliv (1936), 204.

[1] See G. Zeller, 'Les rois de France candidats à l'empire', *Revue historique*, clxxiv (1934), 273 sqq., and for a sceptical view R. Fawtier, *Les Capétiens et la France* (Paris, 1942), p. 87. Philip VI's concern to secure and to project his eastern frontier at the expense of the empire is illustrated by the terms of his treaties with John of Bohemia at Fontainebleau in January 1332 and with Henry XIV of Lower Bavaria at Frankfort in December 1333: J. Emler, *Regesta diplomatica necnon epistolaria Bohemiae et Moraviae*, iii (Prague, 1890), nr. 1867, p. 727; J. F. Boehmer, *Acta Imperii Selecta* (Innsbruck, 1870), nr. 1033, p. 724.

[2] F. Gregorovius, *Rome in the Middle Ages*, xi. 3, trans. by A. Hamilton, vi (i) (London, 1906), p. 114.

this century Finke's edition of the *Acta Aragonensia* has offered us, through the eyes of the Aragonese agents at the Curia and elsewhere, an intimate view of some of the workings of the higher diplomacy, to say nothing of a good deal of gossip which requires careful sifting. Professor Stengel's elaborate publication of the manuscript collections of Rudolf Losse has proved a rich mine, though the ore has sometimes been excessively refined. A generation has passed since the *Monumenta* edition of the *Constitutiones* for Lewis' reign was brought down to 1330; more than half the reign has still to be covered and what has already been published needs some revision. In the 'thirties, useful gleanings for these purposes were being made by collaborators in the *Monumenta*, particularly at the Vatican and in the Italian archives and among the English records.[1] More recently some interesting things have come to light at Trier and Rome and Marseilles, and no doubt further discoveries await the making.[2] Perhaps the time for a new large-scale narrative of Lewis' relations with the papacy has not yet come, but the materials to hand are sufficient for an interim attempt at interpretation.[3]

No better clue to the nature of the conflict can be found than the first papal process issued against Lewis on 8 October 1323. Lewis was threatened with excommunication for offences under three heads: (i) though his election as king of the Romans had

[1] Cf. C. Erdmann, 'Vatikanische Analekten zur Geschichte Ludwigs des Baiern', *Archivalische Zeitschrift*, xli (1932); T. E. Mommsen, *Italienische Analekten* (above, note 1), which publishes the result of researches carried out in 1933–5; and the numerous papers by Dr. Friedrich Bock cited in his book (note 3 below).

[2] Cf. F. Pelster, 'Die zweite Rede Markwarts von Randeck für die Aussöhnung des Papstes mit Ludwig dem Bayern', *Historisches Jahrbuch*, lx (1940), 88 sqq.; A. Mercati, 'Dall'Archivio Vaticano. Proposte di Giovanni, il francofilo re di Boemia, a Giovanni XXII', *Mélanges d'archéologie et d'histoire*, lxi (1949), 195 sqq.; H. S. Offler, 'Über die Prokuratorien Ludwigs des Bayern für die römische Kurie', *Deutsches Archiv für die Erforschung des Mittelalters*, viii (1951), 476 sqq.

[3] Carl Müller's valuable book (p. 21, n. 2 above) was published before the material in the Vatican Archives was readily available. Friedrich Bock's *Reichsidee und Nationalstaaten vom Untergang des alten Reiches bis zur Kündigung des deutsch-englischen Bündnisses im Jahre 1341* (Munich, 1943) is based on an unrivalled knowledge of the sources, but not all its judgements have found or are likely to find acceptance. There is a balanced account of Lewis' reign by Herbert Grundmann in the new edition of B. Gebhardt, *Handbuch der deutschen Geschichte*, i (Stuttgart, 1954), pp. 427–58.

been made *in discordia*, he had dared to assume the royal title without papal approval; (ii) he had performed acts of administration in the realm and the empire, although the empire was vacant and its administration consequently pertained to the pope; (iii) he had shown favour to the Visconti of Milan, who had been condemned for heresy, and to various other rebels against the Church.[1] The third item need not detain us. Though the *fautoria* of heretics was indeed an offence automatically involving canonical penalties, he who had incurred them normally had little to fear, unless his relations with the ecclesiastical authorities were otherwise bad; in any case, there was a strongly political flavour about the condemnation of the Visconti.[2] But the first two charges had graver implications, which touched sensitive areas in the public law of the German kingdom and the empire. That the choice of the German electors must be submitted for papal approval and that it was the pope's right to administer the empire as long as no emperor had been crowned were claims which, though not novel, could hardly expect undisputed acceptance. About them much has been written,[3] and for the next quarter of a century the struggle largely turned around their application. Pressed to an extreme conclusion they might seem to imply that the successful candidate in a German royal election would be powerless even within Germany until his person had been approved by the pope. They sharply affronted Lewis' respectably founded contention that the king of the Romans as the result of his election immediately gained the right to administer not only in Germany, but in Italy as well: as in fact Lewis had been doing through his lieutenants in Lombardy since March 1323.[4] In this opposition of legal standpoints neither Lewis nor the pope could give way without seeming to prejudice the rights of the institution which he represented. And this was not merely a theoretical dispute about formalities. Seen in the context of the

[1] *MGH Const.*, v, nr. 792, p. 617; for the force of the phrase *in discordia* see H. Mitteis, *Die deutsche Königswahl* (Baden bei Wien, 1938), pp. 168, 185.

[2] Bock, 'Studien zum politischen Inquisitionsprozess Johanns XXII', *Quellen u. Forsch. aus italien. Archiven u. Bibliotheken*, xxvi (1936), 21 sqq.

[3] See, e.g., F. Baethgen, 'Der Anspruch des Papsttums auf das Reichsvikariat', *Zts. d. Savigny-Stiftung f. Rechtsgeschichte*, xli, *Kan. Abt.*, x (1920), 168 sqq.; H. E. Feine, 'Die Approbation der Luxemburgischen Kaiser in ihren Rechtsformen an der Kurie', *ibid.*, xxvii (1938), 364.

[4] *MGH Const.*, v, nr. 729, p. 568.

process of October 1323, issued at a date when Lewis, having defeated his competitor for the German throne, was beginning for the first time to intervene effectively in Lombardy, the papal claims reveal John XXII's preoccupation with Italy and his determination that no German ruler should exercise influence there except on terms acceptable to the papacy. At the root of Lewis' controversy with the papacy lay this clash of interests in Italy. To it, the religious issues arising from Lewis' choice of methods and allies were only consequential.

There is nothing new in this diagnosis. Herwart von Hohenburg expressed it pointedly against Abraham Bzovius in 1618: *Lis fuit de terris non de religione, Bzoui.*[1] But it is worth repeating because, although the tendency of much recent work has been to confirm it, sometimes it is still overlooked. The events of 1328 were so sensational that we are tempted to treat them as if they were the whole story. The flouting of the established church order; Lewis' coronation at Rome at the hands of the representatives of the Roman people; the creation of the anti-pope Peter of Corbara; Marsilio of Padua acting as vicar in spirituals in Rome and John of Jandun appointed bishop of Ferrara; the dissident Franciscans with their leader Michael of Cesena fleeing by night from Avignon to find refuge with Lewis at Pisa: these are indeed exciting happenings, but they need to be kept in perspective. The character of this long struggle is not to be resumed in the events of a single year. In the course of a *collatio* delivered in April 1343 Pope Clement VI declared that Lewis had been 'abandoned unto Satan' for twenty-six years. That takes us back to 1317; and it is significant that the first item in the Curia's register of the processes against Lewis is not the process of October 1323 but the constitution *Si fratrum* of March 1317, which assumed that the empire was vacant and declared penalties against any who might meddle with it in defiance of the papal claim to administer during the vacancy.[2] Within a few months of his election John XXII had thus turned his eyes to Italy, and it

[1] J. G. Herwart von Hohenburg, *Ludovicus Quartus Imperator defensus; Bzovius injuriarum postulatus* (Munich, 1618), p. 173.

[2] An edition of a copy of the *Liber processuum* is given in Martène et Durand, *Thesaurus Novus Anecdotorum*, ii. 641 sqq. Clement's *collatio* is to be found in Paris, Bibliothèque Ste Geneviève, cod. 240, and the phrase cited at fo. 64.

would seem that Clement, by construction, regarded Lewis as having fallen under the penalties for contravening *Si fratrum* almost from the date when the constitution was promulgated. It would not in fact be easy to show that Lewis was taking any great interest in Italian affairs in 1317; at this early period of his reign he was pretty fully occupied by the struggle for survival in Germany. On the other hand, the end of his Roman expedition certainly did not mark the end of his concern with Italy. Among the reasons which led him to discard his alliance with England in 1341 his wish to conduct an active Italian policy may well have played a part; probably he was encouraged by the same motive to interfere in the marriage between John Henry of Luxemburg and Margaret Maultasch of Tirol, the action which in 1342 caused his 'sweet reputation to begin to stink in the nostrils of the princes'.[1] Even in the summer of 1346, while an anti-king was being raised against him in Germany, he lingered in Tirol, planning another descent to the south.[2] At no time during the negotiations for his reconciliation with the Church which dragged their long course from 1330 to 1345 was Lewis willing to accept terms which might impair his freedom to act in imperial Italy.[3]

That freedom the papacy was led to deny in the interests of its own Italian policy. The broad outlines of its aims are not in doubt. The restoration of order and papal authority in the States of the Church was necessary for the health of the Camera; it was also a condition for the return of the Curia to Italy, a consideration never long out of mind.[4] But the Italian problem was not

[1] Johann von Viktring, *Lib. certarum historiarum*, ed. F. Schneider, ii (*MGH SS. in usum scholarum*, 1910), p. 228; cf. Offler, 'England and Germany at the beginning of the Hundred Years' War', *English Historical Review*, liv (1939), 619–22.

[2] E. Werunsky, *Geschichte Kaiser Karls IV und seiner Zeit*, i (Innsbruck, 1880), p. 435.

[3] Lewis' attitude is plainly expressed in his instruction for his envoys to the Curia dated 28 October 1343: 'Item der artikel dar inn wir uns verbinden solten daz wir gen Ytali nicht chomen solten e wir von dem stuol approbiert wuerden, der wirt auch abgant', in Munich, Geheimes Haus-Archiv, 1/5 259 fo. 15 = S. Reizler, *Die literarischen Widersacher der Päpste zur Zeit Ludwig des Baiers* (Leipzig, 1874), p. 333.

[4] E. Kraack, *Rom oder Avignon? Die römische Frage unter den Päpsten Clemens V und Johann XXII* (Marburg, 1929), pp. 57–8. I cannot share the negative judgement of E. Duprè-Theseider, *I papi di Avignone e la questione romana* (Florence, 1939), pp. 49, 73–5.

patient of a piecemeal solution. A Lombardy given over to the *signori* would be a focus of unrest against the ecclesiastical interest throughout the peninsula. So a general pacification of Italy was necessary, directed—and here is the divergence from Dante's ideal—by the pope. How this design might be accomplished was a question which provoked varying answers. John XXII was inexhaustible in energy and expedients, the cost of which is reflected in the leaping expenditure of the Camera at this time.[1] Early in his pontificate he decided that the Ghibelline lords of Lombardy, Matteo Visconti in Milan, Can Grande della Scala in Verona, Passerino Bonnacolsi in Mantua, might and must be broken. For this purpose he tried to use the secular allies of the Church: Robert of Naples, whom he confirmed in the appointment of vicar-general over all imperial territory in Italy except Genoa; Philip count of Maine, later Philip VI of France; even, for a short period, the Habsburg contestants for the German throne.[2] None of them answered expectations. More promising was direct action by the Church in Lombardy under the leadership of the cardinal legate Bertrand du Poujet. It is not easy to decide whether Bertrand's long mission from 1320 to 1334 had more than the negative aim of reducing the Lombard *signori*. Was there also the ambition to create a papal state in Lombardy, or a Lombard kingdom under papal control? In the complicated negotiations which accompanied John of Bohemia's intervention in north Italy in 1331–3 there are glimpses of a scheme whereby he was to hold his Lombard lordships from Philip of France, who in turn was to recognize papal suzerainty.[3] But a united Italian opposition drove John of Bohemia from Lombardy and

[1] Between the financial years 1320–1 and 1325–6 it increased from 112,490 to 528,857 florins: K. H. Schäfer, *Die Ausgaben der apostolischen Kammer unter Johann XXII (Vatikanische Quellen zur Geschichte der päpstlichen Hof- und Finanzverwaltung 1316–1378*, ii, Paderborn, 1911), p. 13*. A rough calculation from Schäfer's sources, *ibid.*, pp. 470–6, shows that about 336,000 florins of the total for 1325–6 were assigned to the war in Lombardy.

[2] *MGH Const.* v, nr. 443, p. 367, reviving the intention of Clement V, *ibid.*, iv, nr. 1164, p. 1205. On the problems concerning the date and text of Robert's appointment, see most recently G. Tabacco, *La Casa di Francia nell' azione politica di papa Giovanni XXII* (Rome, 1953), pp. 161, n.3, 164. John's negotiations with Philip of Maine are to be found in *MGH Const.*, v, nr. 577, pp. 462–3; with Habsburg *ibid.*, nrs. 655–7, pp. 520–2.

[3] Carla Dumontel, *L'impresa italiana di Giovanni di Lussemburgo, re di Boemia* (Turin, 1952), pp. 114–15.

brought the long labours of Bertrand du Poujet to nothing. John XXII's successor conformed to the facts. The destruction of the *signori* had proved impossible; Benedict XII's alternative was to attach them to him by the grant of local vicariates *vacante imperio*. It was a system which, though it did not establish peace in north Italy, at least gave some semblance of regularity to the situation and meant income rather than expense to the Camera. But however the methods might change, the design persisted. And the pacification of Italy under papal direction could hardly be hoped for if the German king were free to intervene as he pleased and as, on his own theory of his rights, he was entitled to. It is at this point that the force of the papal claims to approve the choice of the German electors and to administer *vacante imperio* really becomes appreciable. When granting the vicariate over Verona, Parma and Vicenza to Alberto and Mastino della Scala in September 1339, Benedict expressed matters very clearly. The grant was to last for ten years or for as long as the empire was vacant: 'and we understand and we wish it to be understood by others, that this vacancy lasts until some one shall have been elected as emperor or king of the Romans *concorditer et canonice*, and shall have been approved by the Apostolic See.' [1]

Lewis' preoccupation with Italy can be explained in large part by reference to the known facts of the position of the kingship in fourteenth-century Germany. There the character of his reign was shaped by the circumstances of his accession. He had been brought to the throne in the double election of 1314 as the Luxemburg candidate against Habsburg. The Luxemburg promoters, Peter Aspelt, archbishop of Mainz, and Baldwin, archbishop of Trier, had esteemed his chances to be better than those of Baldwin's nephew, the young John of Bohemia; it was not expected that this surrogate would achieve much independence of his makers.[2] His hereditary endowment in land was scanty. For much of his reign he controlled directly only a fraction of the divided duchy of Bavaria; both Lower Bavaria and the Palatinate were in the hands of other Wittelsbachers, with whom he did not enjoy

[1] Raynaldus, *Annales ecclesiastici*, 1339, § 65.

[2] See H. Schrohe, *Der Kampf der Gegenkönige Ludwig und Friedrich um das Reich bis zur Entscheidungsschlacht bei Mühldorf* (*Hist. Studien*, xxix. Berlin, 1902), pp. 45 *sqq.*; H. S. Lucas, 'The Low Countries and the disputed imperial election of 1314', *Speculum*, xxi (1946), 72–114.

that steady habit of dynastic unity which was generally such a strength to Habsburg at this period.[1] And if possession of the kingship seemed to offer opportunities to remedy this deficiency, the steps which Lewis took as king to strengthen his territorial resources seriously affected his relations with the Luxemburg family. Shortly after the victory over the Habsburgs at Mühldorf in 1322 Lewis granted to his eldest son the Mark of Brandenburg, which since the failure of the Ascanian line in 1319–20 had remained exposed to the covetousness of the neighbouring princes.[2] The prospects of a window to the north-east and mastery of an additional electoral vote were tempting. But to establish the Wittelsbachers in the Mark was not to be a quick or easy matter, and this momentous action set in motion some of the most important currents in German politics during the next quarter of a century. Here, perhaps more than at any other juncture in the reign, it would be interesting to know what part in forming Lewis' decision was played by the counsel of Berthold VII of Henneberg-Schleusingen, that shadowy figure whose great importance in the affairs of the realm under three successive kings we can sense rather than measure.[3] Combined, as it had to be, with action to secure the alliance of the young margrave of Thuringia,[4] Lewis' enfeoffment of his son with Brandenburg represented an interference in a sphere of influence which John of Bohemia had marked out as his own, and so led to a loosening of the Luxemburg-Wittelsbach connexion which had brought Lewis to the throne and to victory over Frederick the Fair of Austria.[5]

The break was long retarded, first by Baldwin of Trier's

[1] Undoubtedly there were passing disagreements between Frederick the Fair and his brothers; cf. *MGH Const.*, vi, nr. 402, p. 303. But they never threatened to compromise the substantial unity of the family against the outside world.

[2] G. Salchow, *Der Übergang der Mark Brandenburg an das Wittelsbachse Hause* (Halle, 1893), pp. 42–4.

[3] A comprehensive study of Berthold would be valuable. W. Füsslein's *Berthold VII, Graf von Henneberg* (Hamburg, 1905) is more concerned with Berthold's local activities as a dynast than with the part he played in national politics and covers only the earlier part of his career.

[4] W. Lippert, *Wettiner und Wittelsbacher sowie die Niederlausitz im XIV Jahrhundert* (Dresden, 1894), p. 5.

[5] So Bock, 'Politischen Inquisitionsprozess', p. 58; cf. Franz Meltzer, *Die Ostraumpolitik König Johanns von Böhmen* (Jena, 1940), p. 28.

obstinate attempt to maintain himself in the administratorship of the archbishopric of Mainz, which from 1328 to 1337 set him at odds with the papacy and so inclined him to cautious communication with Lewis; then by the prospects of profit which the English alliance offered to Lewis' supporters in the next few years. Perhaps even as late as 1344 Baldwin, the senior and the wisest of the Luxemburg family, was still unwilling to go all the way with John of Bohemia and Charles of Moravia in opposition to Lewis.[1] But by the middle 'twenties the initial harmony was gone and Lewis found it necessary to seek compensation elsewhere. The peace of Hagenau in August 1330 and the agreement at Augsburg in November signalized a revolution in the complex system of dynastic rivalries in Germany. After sixteen years of intermittent strife Lewis came to an understanding with Habsburg which lasted for the rest of his reign.[2] The offered price, the enfeoffment of the Habsburgers with the duchy of Carinthia after the death of Henry of Tirol, was paid in 1335, and in the next year Lewis appeared as the ally in arms of Habsburg against John of Bohemia.[3] In effect Lewis' kingship for the most part depended on his ability to maintain a precarious balance between the two major dynasties of Germany. Merely to survive as king made calls on his energy which did not leave much wherewith to rule.

That impression is reinforced when the nature of the records of Lewis' reign is considered. Measured by the standard of efficiency in business, kingship in Germany was at a level of effectiveness markedly lower than the average in the west. A royal chancery had to be improvised when Lewis came to the throne, for it was one of the curses of the elective system that a change in the royal dynasty meant that the new king reaped little or no benefit from the administrative staff and experience gathered by his predecessor. That Lewis' chancery attracted some able men to serve in it and learned to produce documents creditable in form and in number is witnessed by such a collection as the *Kaiser Ludwig Selekt* of the Hauptstaatsarchiv in Munich. But there are only

[1] Perhaps it was Baldwin's political perplexities at this time which caused him to think of resigning his archbishopric; cf. Riezler, *VA*, nrs. 2199, 2211, pp. 795, 799.

[2] *MGH Const.*, vi, nrs. 834, 882–6, pp. 701, 734 sqq.

[3] Johann von Viktring, *Lib. certarum historiarum, ed. cit.*, ii. 165–7.

fragmentary traces of registration;[1] nothing survives to suggest that in the systematic keeping of records the methods of Lewis' chancery were nearly as advanced as those being used in Avignon and Naples, Aragon and England at this time. The historian of Lewis has to hunt for individual *Acta*, as if he were writing of Henry II Plantagenet—and he has no Pipe Rolls to help him. This weakness in documentation indicates that royal government in Germany was not intensive. Nor, in a land of sovereign princes, did it stretch very far. Lewis' itinerary shows how limited was the area of his influence. The imperial towns in Swabia, Franconia and the Wetterau saw him pretty often; he could expect to find at least some partisan support in Alsace; exceptionally he might descend the Rhine as far as Coblenz, though he never visited the lower Rhineland after the occasion of his coronation.[2] A phrase in a document which he issued in 1331 reveals that parts of Germany were as a foreign land to him: Otto of Habsburg was granted the office of vicar of the empire, to come into effect when Lewis passed over the Alps to Lombardy *oder uber den Duringer Walt*. Never in fact did he enter northern Germany.[3]

Impecunious kings were not rare in fourteenth-century Europe. But Lewis' lack of money was chronic and desperate to a degree which sets him apart from most of his contemporaries. No corpus of financial records for his reign seems to have survived; it may be doubted whether there was ever reason for such records to exist on any elaborate scale, since the financial resources at his disposal were ludicrously inadequate to sustain a kingly activity. The yearly tax of the imperial towns was probably the most important single source of regular income; it may have amounted

[1] Harry Bresslau, *Urkundenlehre*, i (2nd ed., Leipzig, 1912), pp. 133–6; W. Erben, 'Berthold von Tuttlingen, Registrator und Notar in der Kanzlei Kaiser Ludwigs des Baiern', *Denkschriften d. Akademie d. Wissenschaften in Wien, phil.-hist. Kl.*, lxvi (1923), 49 sqq.

[2] The early appearance of J. F. Boehmer's *Regesta Imperii inde ab anno 1314 usque ad annum 1347* (Frankfort, 1839; supplements 1–3, 1841–63) means that a good deal of revision of the details of Lewis' itinerary still needs to be done. But it seems unlikely that such a revision would invalidate the generalization in the text.

[3] 4 May 1331, printed by A. F. Oefele, *Rerum Boicarum Scriptores*, i (Augsburg, 1763), p. 758; cf. E. von Freeden, *Die Reichsgewalt in Norddeutschland von der Mitte des 13. bis zur Mitte des 14. Jahrhunderts* (Göttingen, 1931), pp. 90–3.

to 25,000 florins.[1] By now the Rhine tolls had in large part escaped the king's control; the ecclesiastical tenths which periodically refreshed royal finances elsewhere were denied to Lewis. His hereditary lands, though on occasion he taxed them hard enough to cause complaint, could not do much to remedy these deficiencies;[2] what credit he could command was often on ruinous terms: the pledging to his creditors of sovereign rights for capital sums which he had not received and could scarcely hope to repay.[3] The rumour reported by the Fürstenfeld chronicler, that there were barely eleven pounds in Lewis' chamber when he set out for the Mühldorf campaign, at least conveys a valid impression.[4] After Mühldorf as before, Lewis' attempts on quite minor occasions to impose his will in Germany were liable to end in fiasco because of insufficient means.[5]

Thus the temptation for Lewis to exploit his claims in Italy was strong. We know that his Italian enterprise failed, but we are not entitled to conclude that therefore it was hopeless or irrational, though the terms on which it offered possibilities need definition. In the twenty years following the death of the emperor Henry VII northern and central Italy had failed to find a political coherence to match their high economic development. Though some of the *signori* had long histories behind them by now, their grip had not yet hardened; it was still an unstable world, where the interposition of a moderate force might be expected to produce

[1] This is the figure suggested by Werunsky, *Geschichte Karls IV*, ii. 31. J. Knöpfler's reckoning of the taxes from the imperial towns in Swabia, Alsace and the upper Rhineland indicates a total of about 12,500 florins a year from this area: 'Die Reichsstädesteuer in Schwaben, Elsass und am Oberrhein zur Zeit Kaiser Ludwigs des Baiers', *Württembergische Vierteljahrshefte für Landesgeschichte, Neue Folge*, xi (1902). I have not seen the Erlangen dissertation by H. Gradenwitz, *Beiträge z. Finanzgeschichte d. deutschen Reichs unter Ludwig. d. B.* (1908).

[2] See the complaint of Heinrich Taube von Selbach in his *Chronica*, ed. H. Bresslau (*MGH Scriptores, nova series*, i, 1922), p. 58.

[3] On the ruinous device of the 'unabniezendes Pfand' see A. Werminghoff, *Die Verpfändungen der mittel- und niederrheinischen Reichsstädte während des 13. und 14. Jahrhunderts* (Breslau, 1893), pp. 30 sqq.

[4] *Chronica de Gestis Principum*, ed. G. Leidinger, in *Chronicae Bavaricae Saeculi XIV* (*MGH Scriptores in usum scholarum*, 1918), p. 94.

[5] As, for example, his vain attempt to capture Burgau in 1324–5, *Chronica de Gestis Principum*, pp. 100–3, and his futile intervention on behalf of Albrecht von Hohenberg in the struggle for the see of Constance in 1334, on which see Bock, *Reichsidee und Nationalstaaten*, pp. 353–5.

far-reaching results.[1] That view was not peculiar to Lewis, for it was shared by Pope John XXII and by John of Bohemia; perhaps it was not until the failure of their schemes in 1333–4 that it became clear that the opportunity had passed and that Italy was not to be reshaped by foreign hands. Ten years before, the prospects for intervention were much more promising; it seemed possible for a determined leader with 5,000 men-at-arms to play an imposing role in Italy. That was the sort of figure which contemporary Italians thought of;[2] their insistence that the men-at-arms should originally have come from beyond the Alps reminds us that German mercenaries formed a large proportion of the effective troops already in Italy. Their first interest was their pay, but it was suspected, not wholly without reason, that they might not prove deaf to a call from their national ruler.[3]

How high did Lewis pitch his Italian expectations? Did he envisage conquest, the imposition of direct administration on the Hohenstaufen model, the destruction of the Angevin kingdom of Naples with the aid of Frederick of Sicily? The sources hardly allow definite answers. There is a world of difference between some of the claims which Lewis made during the exaltation of his Italian expedition and his willingness in 1330 to agree that he would not intervene in the territories of the Visconti provided that they paid him something every year.[4] Probably it would be unwise to underestimate the range of Lewis' ambition. But at the lowest, could he but appear in imperial Italy he had a valuable commodity to sell. The power of the *signori* was a matter of fact; in a world curious and persistent in its enquiries about the origin of authority they lacked convincing titles to legitimacy. That

[1] P. S. Leicht, 'Staatsformen in der italienischen Renaissance', *Quellen u. Forsch. aus italien. Archiven u. Bibliotheken*, xxxi (1940), 207–22; Luigi Simeoni, *Le signorie*, i (Milan, 1950), pp. 52, 87.

[2] As, for instance, Florence, when she was trying to organize a combined Guelf force to oppose Lewis in January 1329, *MGH Const.*, vi, nr. 539, p. 449.

[3] K. H. Schäfer, *Deutsche Ritter und Edelknechte in Italien während des 14. Jahrhunderts*, i (*Quellen und Forschungen aus dem Gebiet der Geschichte*, xv (i). Paderborn, 1911), pp. 75–9. For the fear that German mercenaries in Guelf service might fall away to Lewis there is evidence in a letter dated 22 April 1342 from Florence to Robert of Naples, summarized by Mommsen, *Italienischen Analekten*, nr. 267, p. 112.

[4] It would seem that this offer was made to Azzo Visconti by John of Bohemia on Lewis' behalf: Riezler, *VA*, nr. 1386a, p. 482.

lack Lewis could supply by the grant of imperial vicariates. How profitable such a transaction might be to both parties is well illustrated by the story of Lewis' relations with Castruccio Castracani of Lucca; we know that the papacy soon learned to imitate the device.[1]

If he would limit his purposes, the Lombard *signori* were willing to have Lewis in Italy. Provided that he left their position and their territories intact he was welcome to come to help them against their enemies and to do what he pleased against the Tuscan Guelfs and Robert of Naples. But there was little or no question of a gratuitous Ghibelline sentiment at this time. The Italian Ghibellines could still write a pro-imperial brief; probably they played no inconsiderable part in providing the store of arguments and ideas on which Lewis drew in his polemics with the papacy.[2] But their actions were dictated solely by their own interests, and if those were threatened by a German ruler, then Guelf allies were becoming entirely acceptable to them. The way was pointed in 1332–3 by the alliance of Florence with the Lombard *signori* against John of Bohemia and the papal legate;[3] in June 1341 the Visconti, the Gonzaga and the Estensi were allied to Florence, Bologna and Robert of Naples 'against the Bavarian and his accomplices and any other person tyrannically entering or hostilely invading Italy.'[4] In the early 'twenties, however, the *signori* were being so hard pressed by John XXII that they were willing to look for help from beyond the Alps. A few days after Mühldorf Lewis sent news of his victory to Italy, where previously, except for a short burst of activity at the beginning of his reign, he had shown far less interest than had his defeated rival.[5] By January

[1] T. E. Mommsen, 'Castruccio e l'impero', *Atti della R. Accademia Lucchese, nuova serie*, iii (1934), 33 sqq.; P. J. Jones, 'The Vicariate of the Malatesta of Rimini', *English Historical Review*, lxvii (1952), 321–51.

[2] See the memorandum of Ugolino of Celle dated April 1323, printed by E. E. Stengel, *N[ova] A[lamanniae]*, i (Berlin, 1921), nr. 123, p. 73, or the memorandum composed some ten years earlier and printed *MGH Const.*, iv, nr. 1248, pp. 1308–17; Bock, *Reichsidee*, pp. 210–11.

[3] Giovanni Villani, *Cronaca*, lib. x, c. 203; cf. Dumontel, *op. cit.*, pp. 99–101.

[4] N. Rodolico, *Dal Comune alla Signoria* (Bologna, 1898), doc. 73, p. 273; other documents concerning this league are printed by Mommsen, *Italienische Analekten*, nrs. 252–62, pp. 107–10.

[5] *MGH Const.*, v, nr. 676, p. 539. On Frederick the Fair's Italian interests see T. E. Mommsen, 'Das Habsburgisch-Angiovinische Ehe-Bündnis von

1323 envoys from Milan were at Lewis' court soliciting the intervention by Lewis' lieutenants which later in the year helped the Lombard Ghibellines to resist a dangerous attack by the papal legate.[1] The pope's first counter-measure was the process of October 1323 against Lewis.

This brusque gesture left Lewis no real choice, for he knew what his rights were. To have yielded to the papal threat would have been to diminish himself disastrously in his own eyes and in those of his contemporaries. In his appeals against the papal processes he began to develop an aggressive reply, which culminated in the Italian expedition in 1327–9.[2] Though he claimed authority in the empire from the fact of his election as king of the Romans, fully to convince the Italians of the validity of the wares he had to offer he needed to add the imperial title. Coronation as emperor by a hostile pope was not to be hoped for, and so we find Lewis putting into practice a programme sketched by Manfred sixty years before. He had recourse to the 'Roman theory of the empire', which maintained that an emperor could legitimately be created by the act of the Roman people, without the participation of the Roman Church.[3] Long abandonment by the papal court had soured relations between the inhabitants of Rome and their bishop, and they were willing to play their part. Lewis' strange coronation at Rome in January 1328 has no deep ideological significance. It was an act of necessity; a practical expedient to meet immediate difficulties.[4]

The motives of Lewis' Italian expedition are comprehensible

1316', *Neues Archiv d. Gesellschaft f. ältere deutsche Geschichtskunde*, l. (1935), 600–15; G. Tabacco, 'La politica italiana di Federico il Bello, re dei Romani', *Archivio storico italiano*, cviii (1950), 3–77.

[1] *MGH Const.*, v, nr. 723, p. 564.

[2] The most recent discussion of Lewis' appeals is by F. Bock, 'Die Appellationschriften König Ludwigs IV', *Deutsches Archiv f. Gesch. d. Mittelalters*, iv (1941), 179 sqq. The problem of the interpolation in the Sachsenhausen appeal of 22 May 1324 (*MGH Const.*, v, nr. 909, p. 722) of the extreme Franciscan *Tractatus de paupertate Christi* remains obscure.

[3] Manfred's manifesto of 25 May 1265, *MGH Const.*, ii, nr. 424, p. 559, is discussed by R. Folz, *L'Idée d'Empire en Occident du V^e au XIV^e siècle* (Paris, 1953), pp. 138–42. A clear indication of the nature of Lewis' coronation is given in the encyclical issued by Castruccio Castracani on 17 January 1328, *MGH Const.*, vi, nr. 383, p. 286.

[4] See E. Duprè-Theseider, *Roma dal Comune di Popolo alla Signoria Pontificia (1252–1377)* (Bologna, 1952), p. 467.

enough. But that it was an ill-managed affair can scarcely be doubted. When he set out for Trent at the beginning of 1327 he apparently intended to do no more than hold preliminary discussions with the envoys of the Italian Ghibellines.[1] In fact he went on to Italy, persuaded by the promises—perhaps also by the threats—of some of the Italians.[2] We know the form of expedition which they envisaged. They wanted Lewis at the head of some 1,500–2,000 men-at-arms, for whom they would supply the pay together with reinforcements up to twice that number from their own German mercenaries.[3] It was a plan devised to keep Lewis strictly under their control; it ruled out an imperial progress in the old manner, with the emperor-elect sustained by the feudal service of the German kingdom. To it Lewis had to conform.[4] He had had no time to organize support in Germany before he entered Italy and his attempts later to remind the German estates of their traditional obligations met with little response.[5] The witness lists of the documents which he issued soon after the imperial coronation disclose an unimpressive entourage lacking German names of independent standing. There was a single electoral prince, Lewis' nephew, the young Rudolf II of the Palatinate; of the two dukes, Lewis of Teck's title was an historical curiosity without territorial significance, while Henry II of Braunschweig-Grubenhagen was little more than an adventurer errant. A more solid element was provided by the landgrave of Alsace and the Hohenzollern burgrave of Nürnberg.

[1] This is Lewis' own account, *MGH Const.*, vi, nr. 241, p. 158.

[2] *Ibid.*, nr. 266, p. 174. Simeoni, *Le Signorie*, i. 105 emphasizes that not all the *signori* welcomed Lewis' coming. It may well have been made clear to Lewis at Trent that if he delayed his Italian expedition there was the danger that the *signori* would come to terms with the papacy.

[3] So the Aragonese proctor at the Curia had reported to his master, 26 September 1325, *Acta Aragonensia*, ed. H. Finke, i (Berlin, 1908), nr. 274, p. 416.

[4] That Lewis himself recognized that this must be so appears from his reply to the envoys of the Estensi on 19 October 1324, *MGH Const.*, v, nr. 1006, p. 835. For the way in which the obligation of the German estates to help the crown 'uber daz gebirge gegen Lamparten' was being whittled away by royal privileges, see *ibid.*, nr. 25, § 3, p. 24; nr. 191, § 8, p. 177.

[5] See *MGH Const.*, vi, nrs. 266, 289–91, 326–9, pp. 173, 205, 238. By the end of August 1327 Lewis' father-in-law, William of Holland, had bound himself by oath to the pope not to aid Lewis, *ibid.*, nrs. 335–6, pp. 245–7.

For the rest, Lewis' German following consisted of faithful servants and fighting men from the smaller nobility.[1]

In effect Lewis was the leader of a mercenary force, much of which he picked up in Italy. The absence of financial records makes it difficult to be precise about the number of his German men-at-arms. There are indications that he crossed the Alps with a few hundred; by September 1327 they had increased to about 3,000, at Rome four months later they had reached a maximum of about 4,000 and they were still more than 2,000 strong in November 1329.[2] At its largest, this was a small army with which to brave the three concentrations of Lewis' enemies in Italy: the papal forces under Bertrand du Poujet, based on Bologna; Florence and the Tuscan Guelfs; Robert of Anjou and the forces of the kingdom of Naples. But it represented a monthly bill for wages which cannot have fallen far short of 50,000 florins.[3] Levies from the towns which he occupied did not enable Lewis to meet his troops' demands for regular pay, though of course they helped to make his enterprise unpopular; in time his Lombard allies grew disinclined to share a financial burden on behalf of a ruler who was showing altogether more appetite for power than they had bargained for. The break with the Visconti came early. Perhaps from the outset Galeazzo Visconti's relations with Lewis had been equivocal; on 20 July 1327, less than a fortnight after his appointment as imperial vicar of Milan, Galeazzo together with his son and his brothers Luchino and Giovanni was imprisoned, seemingly on the charge of covert communication with the pope.[4] The reconciliation which was patched up when Lewis

[1] *Ibid.*, vi, nrs. 390, 395, 401, pp. 293, 297, 300.

[2] These figures are those of Villani, *Cronaca*, lib. x, cc. 17, 31, 47, 53, 54, 146. Collateral evidence suggests that they were not much exaggerated. While Villani, x. 47, says that the advance guard on Lewis' march to Rome in December 1327 consisted of 700 horse and 2,000 foot, Robert of Naples writing to the Justiciar of the Terra di Bari on 22 December puts the numbers at 400 horse and 2,000 foot, Mommsen, *Italienischen Analekten*, nr. 158, p. 74.

[3] In 1337 Edward III was offering 15 florins a month for a mounted man-at-arms, Rymer, *Foedera*, ii (ii), 984. Schäfer, *Deutsche Ritter und Edelknechte*, i. 45 sqq. gives Italian rates from the 'twenties to the 'fifties which are considerably lower: 10, 8, 7, 6, even 5 florins a month for a simple man-at-arms; a troop leader might get three times this. *MGH Const.*, vi, nr. 513, p. 423, suggests that Lewis could get men at 6 florins a month.

[4] Simeoni, *op. cit.*, i. 106–7.

returned to Lombardy in 1329 was certainly not sincere and before the end of the year the Visconti and the Estensi had come to terms with the Church.[1]

The two allies who did show some zeal for Lewis' cause were Castruccio Castracani and the Aragonese king of Sicily, Frederick. Could their actions have been combined, so that Castruccio held Guelf Tuscany in check while Lewis and the Sicilians attacked the kingdom of Naples, then Lewis might possibly have gained the sort of victory which would have made him a power in Italy. But the rebellion of Pistoia at the end of January 1328 called Castruccio from Lewis' side, and by early autumn he was dead. The Sicilians were slow to start, and when they did move it was too late, for Lewis had begun his journey northwards from Rome.[2] Already he was having difficulties with his troops, and at Pisa in the autumn he was faced by a mass desertion of nearly a thousand of his mercenaries whose pay was in arrears.[3] Nevertheless, Lewis was still capable of cutting a considerable figure in north Italy and his withdrawal to Germany at the end of 1329 was in no sense a debacle. Its timing seems to have been as fortuitous as that of the start of his expedition. Towards the end of December he made his way to Trent, intending to meet Frederick of Austria there.[4] Instead, he received the news of Frederick's death which made his presence in Germany urgently necessary. There are good reasons to believe that he intended to return to Italy. But in fact he never did return: the Guelfs had beaten him. Harsh things were said at the time, and are still being said, about the generalship of the Guelf forces which allowed Lewis to complete his perilous march to Rome without meeting serious opposition.[5] But the Guelf leaders knew their business. Time, poverty and the incompatibility between his ultimate aims and those of most of his

[1] C. Erdmann, 'Vatikanische Analekten', pp. 14, 22; Mommsen, *Italienischen Analekten*, nr. 190, p. 84.

[2] *MGH Const.*, vi, nr. 486, p. 399, gives the report sent to Frederick III of Sicily by an anonymous observer with the Sicilian fleet during the last week of August.

[3] *Ibid.*, vi, nrs. 512–13, pp. 421–3; cf. R. Davidsohn, *Geschichte von Florenz*, iii (Berlin, 1912), pp. 851 sqq.

[4] John XXII had heard this rumour of Lewis' intentions before 28 October 1329, *MGH Const.*, vi, nr. 658, p. 556.

[5] By Villani, for instance, *Cronaca*, lib. x, cc. 31, 47, and by Bock, *Reichsidee*, p. 284.

allies could and did defeat Lewis in Italy; it was sufficient to have denied him the opportunity of securing that victory in a large-scale engagement which might have made him really formidable.

In Italy Lewis had incurred heavy liabilities as the result of his deposition of Pope John XXII and his promotion of a grotesquely ineffective schism. How these actions at Rome are to be explained is not clear. Lewis' temperamental proclivity to a radical gesture may have counted for something. It is often supposed that here, for once, the advice of Marsilio of Padua played a large part and if this be so, he was perhaps the most damaging gift that the Lombard Ghibellines ever slipped into Lewis' pocket.[1] For what had been done at Rome in 1328 greatly complicated the question of Lewis' reconciliation with the Church during the next decade and a half. The documents faithfully reflect the double nature of the problem.[2] On the one hand, there were the religious aspects: the offences which Lewis had perpetrated by his attacks on John XXII, his schism, his harbouring of heretics. But there were also political considerations. Some arose from Lewis' acts of government, in Germany as well as in Italy, in defiance of the papal approbation theory, and from his Roman coronation; others from the fact that the papacy would not and could not envisage a settlement with Lewis which did not respect the interests of its friends. The business of Lewis' reconciliation was cast into the legal form of a process for absolution. But both sides knew that behind the canonical formalities, inevitably affecting their pace and their issue, lay the great political questions of the time: the future of Italy, the search for alliances by the states of the west as they prepared for the outbreak of the Hundred Years' War, the acute though irregular sensitivity to these western

[1] On the use of Marsilio by Matteo Visconti in the spring of 1319, see C. W. Previté-Orton, 'Marsilius of Padua and the Visconti', *English Historical Review*, xliv (1929), 278–9. Marsilio seems to have been known in Milan. The two witnesses who testified before the papal inquisitor at Bologna in December 1329 as having recognized Marsilio riding with Lewis in Parma on 28 November were both Milanese, Bock, 'Politischen Inquisitionsprozess', p. 68.

[2] They are discussed by F. Bock, 'Die Prokuratorien Kaiser Ludwigs IV an Papst Benedict XII', *Quellen u. Forsch. aus italienischen Archiven u. Bibliotheken*, xxv (1933), 251 sqq.; Offler, 'Die Prokuratorien Ludwigs des Bayern' (above, p. 23, n. 2).

motions of a more eastern Europe in Bohemia and Poland and Hungary.[1]

Lewis' attitude was more consistent and less pliant than the older historians believed. Two precious items in the Geheimes Haus-Archiv in Munich, which contain the instructions given to his autumn embassies to the Curia in 1331, 1336 and 1343, seem conclusive on this point.[2] Lewis refused to admit that he had been justly excommunicated for acting as king without papal approval or that he had in any way jeopardized his personal orthodoxy. The imperial coronation, the deposition of John XXII and the election of Peter of Corbara were improprieties into which he had been forced in defence of imperial rights and he was prepared to make amends for them. He had never, he declared, accepted the theological opinions of Marsilio and the rebel Minorites; he had kept them at his court as learned men, who might help to protect his rights and those of the monarchy; if they proved obdurate and would not be reconciled to the Church when he was, his protection would be withdrawn from them. As to the papal claim to approve the elected king of the Romans, Lewis declined to concede anything more than his predecessors had conceded. In effect he was willing to ask for and accept papal approval of his person, provided the concession in no way affected the validity of the acts which he had already performed as king; but he would enter into no engagement which limited his freedom of action in imperial Italy. Slight changes of emphasis there were during these fifteen years. Lewis had not by 1331 yet made up his mind to the unconditional surrender of his imperial title; in 1344 he may have been willing to accept for a moment the full papal approbation theory, though only with safeguards which made the concession nugatory in practice.[3] But there was never

[1] A good example of this is offered by the tentative negotiations for an alliance between Hungary and England in 1345–6. See F. Trautz, 'Die Reise eines englischen Gesandten nach Ungarn im Jahr 1346', *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, lx (1952), 359 sqq.

[2] Munich, Geheimes Haus-Archiv 1/5 256 has the instruction for October 1331, imperfectly printed in Ch. Gewold, *Defensio Ludovici imperatoris ratione electionis contra Abr. Bzovium* (Ingolstadt, 1618), pp. 118–20. At fo. 12 of 1/5 259 is the instruction for October 1336, and at fos. 14–15 that for October 1343. Both are printed in Riezler, *Literarischen Widersacher*, pp. 328, 332.

[3] Clement VI's demands in 1344 survive in a contemporary German translation presumably made in Lewis' chancery, Munich, Geheimes Haus-

a real change of ground. Seemingly unconscious of the burden of his enormities Lewis continued to bargain as if from strength.

The springs of papal policy were more complicated. There was the duty of reconciling the penitent—if such he sincerely was —to the Church. But there were other responsibilities also. The papacy had its general concern for the political order of the west, its own particular stake in Italy, its allies and special friends, some of whom were much interested in the future of the empire and the German kingdom. Could the terms of Lewis' reconciliation be so contrived as to satisfy at one and the same time the papal demands, both canonical and political, Lewis' reserves and the interests of the papacy's allies? We can expect no single answer of the three very different popes who had to deal with this question, though some preoccupations were constant: the need to control any future activity of Lewis in Italy, for instance, and the demand that as a prerequisite of his reconciliation Lewis should reach agreement about outstanding controversies with France and Naples and Luxemburg.[1] Probably to John XXII the problem seemed insoluble on terms which would have allowed Lewis to keep the German crown. In his person John had borne the brunt of Lewis' outrages against papal dignity and he was not to be convinced of the sincerity of Lewis' repentance. From the late autumn of 1327 until the spring of 1330 his agent Peter of Ungula was busy in Germany in the vain attempt to raise an anti-king against Lewis.[2] When in 1333–4 the kings of France

Archiv, 1/5 260; cf. Offler, 'Die Prokuratorien Ludwigs des Bayern', pp. 480–3. The 20th article of Clement's political demands was that Lewis' proctors should be empowered to swear on his behalf that he would perform no actions under the imperial or royal title without the special permission of the pope (fo. 9v.). In the margin is the note (which presumably represents the decision of Lewis and his counsellors): 'Das urlop sol der bapst geben das er under den kuenklichen titel sinen gwalt ueben und gefuern mueg des tags und der wil so des keisers procurator vor den Bapst in dem consistori fuerlegent und tuend als begriffen ist in den artikeln der procuratorien und sol auch sinen brief geben mit der bulle was der keiser daran tuet daz dem stuol und dem rich keinen schaden bringen mueg.'

[1] This is clear from the terms of Lewis' instructions to his envoys in 1331 and 1336 (above, p. 40, n. 2). See also Riezler, *VA*, nrs. 1748a, 1842, pp. 592, 651, and the documents preserved in the register of Jean de Revets, Marseilles, Archives départmentales des Bouches du Rhône, B. 176, fos. 113–14, referred to in my paper 'Die Prokuratorien Ludwigs d.B.', pp. 476–7.

[2] E. E. Stengel, *Avignon und Rhens* (Weimar, 1930), pp. 40–59.

and Bohemia were supporting a scheme whereby Lewis was to abdicate in favour of his cousin Henry XIV of Lower Bavaria, John engaged himself to an extent which strained his relations with Robert of Naples.[1]

During the early years of the next pontificate the prospects for Lewis' reconciliation seemed much more hopeful. Lewis treated Benedict XII with deference;[2] he was willing to go some way to meet the demands of Robert of Naples, and by the end of 1336 his envoys had reached agreement on his behalf with Philip VI of France.[3] All seemed favourable for the success of Lewis' proctors at the Curia in February and March 1337. But in April negotiations broke down. Opinion in Germany imputed the blame to the French king and the documents do seem to indicate that in this instance Benedict, despite his later protestations to the contrary, yielded to French pressure.[4] At this time Benedict was hoping to bring about a slackening of political tension in the west by papal mediation between France and England; in this design Lewis' reconciliation had a part to play. Philip VI was less sanguine. He was rightly nervous lest Lewis, notwithstanding the recent pact, should ally with England against him.[5] With his canonical disabilities still about him Lewis would be a less useful ally to Edward III and a less formidable opponent to France. Philip's view prevailed at the Curia and an opportunity passed. There was little energy in the negotiations between Lewis and the papacy which continued intermittently for the rest of

[1] E. E. Stengel, *Avignon und Rhens* pp. 60 sqq.; Bock, *Reichsidee*, pp. 348 sqq., and in *Historische Zeitschrift*, cxlvii (1933), 398. The tension between John and Robert of Naples is discussed by E. G. Léonard, *Les Angevins de Naples* (Paris, 1954), pp. 267–9.

[2] See his care to avoid using the royal and imperial titles in his letter to Benedict dated 2 August 1335, Riezler, *VA*, nr. 1748, p. 592.

[3] On 23 December 1336 Miles of Noyers swore on behalf of Philip that he would make no hindrance to Lewis' reconciliation, Riezler, *VA*, nr. 1876, p. 668. Lewis ratified the agreement in February 1337 and denounced it on 7 July, Bock, *Reichsidee*, pp. 375, 386.

[4] I have not been convinced by the learned attempt of F. Pelster, *art. cit.* (above, p. 23, n. 2), pp. 102–9, to minimize the effect of French pressure and place the main responsibility for the break on Benedict's rigour for what he considered to be papal rights in the matter of Lewis' approbation. The decisive document seems to be Benedict's letter to Philip of 4 April 1337, Riezler, *VA*, nr. 1876, p. 668.

[5] Stengel, *NA*, i, nr. 408.

Benedict's lifetime. For some years the English alliance stood in the way; when in January 1341 Lewis changed over to friendship with Philip of Valois this did him no good in Benedict's eyes: in anticipation of pressure to come Philip was told that Lewis could be treated by the Curia only *secundum formam iuris*.[1]

Clement VI was at once more experienced and more deeply involved in politics than his predecessor. It is not easy to determine how soon he became convinced that further negotiations with Lewis would serve no purpose. During his first eighteen months as pope he showed great skill in bringing Lewis to reveal how far in concession he was willing to go.[2] When the papal demands were formulated in the spring of 1344 they were such as neither Lewis nor the German electors could accept; it may be that they were not intended to be found acceptable.[3] Lewis' last independent embassy left the Curia in mid-May 1345. On 22 April 1346 Charles of Luxemburg made to the papacy the promises which Clement claimed as the price of his support and on 11 July he was elected king at Rhens in opposition to Lewis.

But Lewis still held the German crown at his death in October 1347. Although the Wittelsbachers failed to find a rival candidate for the monarchy capable of holding out against Charles, to Lewis' heirs were left a united Upper and Lower Bavaria, the Mark of Brandenburg, the county of Tirol and a footing in the Low Countries. In that achievement (though some if it was not lasting) lies the answer to those who ask why men competed for the German kingship in the fourteenth century. It leads also to a final problem. How was it that Lewis managed to survive for so long? Partly, it may be supposed, because after his withdrawal from Italy and the submission of his anti-pope to John XXII in the summer of 1330, the papacy ceased to be much frightened of him: he declined from a menace into an embarrassment not calling

[1] *Benoît XII (1334–1342). Lettres closes, patentes et curiales se rapportant à la France*, ed. G. Daumet (Paris, 1920), nr. 832.

[2] As I have tried to show in my paper, 'A political *collatio* of Pope Clement VI', *Revue Bénedictine*, lxv (1955), 127–9.

[3] For Clement's demands, see p. 40, n. 3 above. An electoral commentary on them is printed by Stengel, *NA*, ii, nr. 773, p. 495. Another opinion of them (presumably that of some representative of the imperial towns) was published by F. von Weech, *Kaiser Ludwig der Bayer und König Johann von Böhmen* (Munich, 1860), pp. 126–30.

for urgent action.[1] We badly need a new comprehensive account of the effects of the struggle on the Church in Germany at large.[2] But without prejudging the findings of that enquiry it seems fair to record a general impression. Throughout the period when the lands of Lewis and his supporters lay under interdict, ecclesiastical conditions remained more nearly normal than might have been expected. Germany was a large country and the area effectively controlled by Lewis was comparatively small. Consequently the interdict was supposed to be in force precisely in those places where Lewis was best able to prevent it from operating. German princes who for years had communicated with Lewis and had thus in theory brought the interdict upon their territories found at the Curia pretty ready acceptance of the plea that they had acted from that just fear which can fall even upon a constant man.[3] That the papal sentences were from time to time the source of disorders and violence is undoubted; for instance, they could offer the communal movement in an episcopal town a convenient excuse for disobedience to an unpopular *Stadtherr* when he tried to carry out the pope's orders. Individuals and religious communities were sometimes faced by anxious problems of conscience and division of allegiance. But on the whole the situation, though often difficult, never became intolerable; the condition of the Church in Germany, however deplorable, did not deteriorate so far as to make it imperative for the papacy to aim a final blow at Lewis.

There was also a more positive consideration. The complications of international politics, which had wrecked Lewis' chance of reconciliation in 1336–7, worked in the next few years to group most of the German princes around him. Lewis' alliance with Edward III in the summer of 1337 was based on a misapprehension about Edward's ability to fulfil the financial obligations which he then undertook. Nevertheless, the prospect of English subsidies and an excited atmosphere in which some

[1] Early in 1340 Benedict XII seems to have been unmoved by the fears of Florence that Lewis was planning a new descent on Italy: G. Gorrini, 'Lettere inedite degli ambasciatori fiorentini alla corte dei papi in Avignone anno 1340', *Archivio storico italiano*, iv[a] serie, xiv (1884), 166.

[2] The account by A. Hauck, *Kirchengeschichte Deutschlands*, v (i) (Leipzig, 1911), pp. 492–7, 557, is still valuable.

[3] See, for instance, the form of absolution of Baldwin of Trier, 24 November 1342, Reizler, *VA*, nr. 2134, p. 768.

genuine stir of anti-French feeling was discernible helped to bring the electoral princes—the Rhenish archbishops in the forefront—nearer to the crown than ever before.[1] They were willing to acknowledge that the papal approbation theory, if pressed to its logical conclusion, led to an absurdity which it was their duty as well as their interest to resist. Perhaps there was nothing very original in the terms of the declarations made at Rhens in July 1338.[2] What mattered was the circumstances in which the declarations were made and the political cooperation (however occasional and involuntary) with Lewis which they implied. It may well be that the part taken by Baldwin of Trier in these transactions has been exaggerated; that his initiative at Rhens and his altruistic enthusiasm for the rights of the German crown were less than has sometimes been supposed.[3] But this great nobleman and churchman, brother of one emperor and great-uncle of another, cannot be denied a proper sense of what was due to his dignity as an elector. His adhesion to the declarations, however cautious and reserved it may have been, marks his understanding that papal policy towards Lewis held dangers for the public law of Germany. The German constitutional assemblies of 1338–9, themselves in a sense the offspring of the Anglo-imperial alliance, gave a sort of galvanic shock to Lewis' kingship, and the effect lasted for some years. As late as 1344 German princes who had no reason to wish Lewis well had not resolved the puzzle how to be rid of

[1] Offler, 'England and Germany at the beginning of the Hundred Years' War', p. 616.

[2] In declaring that it was old and approved law that he whom the electors or a majority of them had chosen might take the royal title and administer the Empire 'nulla approbatione vel licencia dicte sedis apostolice super hoc habita et obtenta' (M. Krammer, *Quellen zur Geschichte der deutschen Königswahl und des Kurfürstenkollegs*, ii (Leipzig, 1912), p. 91) the electors in their *Weisthum* at Rhens were not going substantially beyond the position of Lewis in his Sachsenhausen appeal in 1324, *MGH Const.*, v, nr. 909, § 12, p. 726.

[3] The highly favourable view of Baldwin taken by E. E. Stengel in *Avignon und Rhens* and his *Baldewin von Luxemburg. Ein grenzdeutscher Staatsmann des 14. Jahrhunderts* (Weimar, 1937) is sharply criticized by implication by Bock, *Reichsidee*, pp. 396–405. The document printed by Stengel, *NA*, i, nr. 547, p. 365, seems to show Baldwin as something less than a whole-hearted supporter of the Rhens declarations. Stengel's attempts to explain it away, *Avignon und Rhens*, pp. 142 sqq., are not wholly convincing.

him without at the same time prejudicing their own rights as electors.[1]

Lastly, this long survival tells us something of Lewis himself. What influence his counsellors exerted on him at various periods is a question needing further investigation, though it is certain that he was not always well or faithfully served.[2] But like any medieval ruler Lewis must carry the responsibility for his own decisions. His character is not easily read and those scholars who would claim for him a consistent realism in politics hardly do justice to his variety. There was, for instance, his strange foundation at Ettal for twenty Benedictine monks together with thirteen knights and their wives. It has been explained with much critical skill in political terms: as a device designed to abolish old imperial rights in the Ammergau for the benefit of the duchy of Bavaria and to secure an area of strategic importance in the approaches to the Alps.[3] But can such an explanation wholly satisfy? This illiterate man, with his sincere conventional piety,[4] was capable of headstrong decisions; then liable in a fit of depression to talk of renouncing the throne. There was rumour of his wish to abdicate in 1319; in January 1326 he promised to give up the kingdom to his defeated rival, if Frederick could get the pope's approval; in 1333–4 half Europe was kept interested or alarmed by a scheme that he should make way for his cousin, Henry of Lower Bavaria.[5] Nothing came of these proposals and much in-

[1] See *NA*, ii, nr. 773, p. 495, and Stengel's comments, *Avignon u. Rhens*, p. 202, n. 1.

[2] Offler, 'Meinungsverschiedenheiten am Hof Ludwigs des Bayern im Herbst 1331', *Deutsches Archiv f. Erforschung des Mittelalters*, xi (1954), 191–206. The rediscovered *Oeconomica* of Conrad of Megenberg even brings a charge of disloyalty against Lewis' experienced protonotary and diplomatic agent Ulrich Hofmaier of Augsburg: Th. Käppeli, 'L'Oeconomica de Conrad de Megenberg retrouvée', *Revue d'histoire ecclésiastique*, xlv (1950), p. 618, n. 8.

[3] F. Bock, 'Die Gründung des Klosters Ettal', *Oberbayerisches Archiv*, lxvi (1929), pp. 78, 84.

[4] Offler, 'England and Germany', p. 619, n. 3. When under the papal sentences Lewis remained an extremely generous *Landesherr* to the regular clergy in Bavaria: O. Bornhak, *Staatskirchliche Anschauungen und Handlungen am Hofe Kaiser Ludwigs des Bayern* (Weimar, 1930), pp. 102–3.

[5] *Chronica de Gestis Principum*, *ed. cit.*, p. 89; *MGH Const.*, vi, nrs. 140–1, pp. 96–7 (cf. *Regesta Habsburgica*, iii, ed. L. Gross, nr. 1636, p. 202); p. 42, n. 1 above.

genuity has been spent in maintaining that Lewis was never in earnest with them, but was always playing some deep game for the confusion of his opponents. Perhaps there is something to be said for a less subtle explanation: circumstances improved, the depression of the moment passed and Lewis changed his mind. The trait contemporaries fastened on was his duplicity.[1] In a sense that was the obvious resource of a ruler who had so often and so long to contend against the odds, but with Lewis one may feel that it was sometimes less the consequence of calculation than of a certain instability of temperament. Against it must be weighed his tenacious defence of what he considered to be the rights of the German kingship. Certainly Lewis was not a simple nor a negligible man. Hauck went so far as to declare that it was on him that the claims of the papacy to world dominion broke down.[2] Those are excessively dramatic terms. At the level of political action Lewis' struggle with the papacy represented a conflict over claims in an Italy much of which was rapidly developing out of the reach of either of the contestants. Surely that was why it was the last?

[1] See the passages collected by Stengel, *Avignon und Rhens*, pp. 78–80.
[2] *Op. cit.*, p. 582.

THE NEGOTIATIONS BETWEEN CHARLES II AND THE CARDINAL DE RETZ, 1658–59

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AT the beginning of April 1658, Charles II's most intimate advisers were giving up their hopes of an English rising and a royalist expedition from Flanders backed by Spanish arms. They now turned their thoughts in two other directions. The meeting of the long-drawn-out Imperial Diet at Frankfurt had given the English exiles in the Spanish Netherlands reason to believe that the house of Austria, in order to prevent further French interference in German affairs, would give support to the house of Stuart as a convenient and easy way of embarrassing Louis XIV's ally, Oliver Cromwell. It was also recollected that the Cardinal de Retz and Charles II had already had dealings with each other in Paris in 1652, so that the now-exiled Cardinal was considered as a suitable intermediary to secure Catholic support.[1] When the postponement of the invasion of England was finally decided by the middle of the month, the crestfallen English Royalists were told that their king intended to go to Frankfurt to treat in person with the Electors. The Comte de Marchin, on whom Charles had recently bestowed the Order of the Garter, had preceded him with letters of compliment to the Elector of Mainz and the Spanish ambassador, the Conde de Peñaranda.[2] This plan did not develop very far and, by June, a visit by the king to Spain was being hopefully encouraged by Henry Bennet, the royalist ambassador in Madrid.[3]

The negotiations through de Retz, however, lasted over a period of nearly twelve months. They are interesting not so much for what was achieved—for that was virtually nothing—but for the character of the proposals offered for papal help and the way

[1] *Thurloe State Papers*, ed. T. Birch, i. 733.
[2] *Calendar of Clarendon State Papers*, iv. 37, 40.
[3] *Ibid.*, 50.

in which these secret approaches were made. They also touch the factions in the contemporary French court, and they bear, indirectly, on Charles II's later policy towards France and the Catholic Church after his restoration to the English throne. The subjects under discussion were the king's intention of visiting Madrid; the extent of his obligations by his secret pledges in favour of English Catholics embodied in his treaty of 1656 with Philip IV; and, finally, the means by which these intended benefits could best be used as arguments to gain papal recommendation of the Stuart cause to the Catholic princes of Europe. A detailed study of these discussions, it is hoped, may illuminate some of the more obscure recesses of the king's mind and his recurrent favours to Catholics after the Restoration, even if it shines only dimly on the still more doubtful matter of his personal faith. Similarly, so little is known of the life of that remarkable genius, the Cardinal de Retz, during the years of his exile, that a more exact account of his relations with Charles II may not be without value. Moreover, the methods adopted to bring Charles II's misfortunes and hopes to the notice of Alexander VII were dictated by the difficulties of papal relations with France during the ministry of Mazarin who, unreasonably, carried his rivalry with Spain before the papal throne.

The Cardinal de Retz had been arrested by Mazarin at the end of 1652 for his active part in the Fronde disturbances when the Prince of Condé and Protestant Republicans of Bordeaux and La Rochelle were joined by Spanish forces with the moral support of the Jansenists and the Gallican clergy. Both the insurgents and Mazarin sought, but failed, to secure Cromwell's alliance. Yet the Spaniards captured Dunkirk. De Retz managed to escape after fifteen months' imprisonment at Vincennes and made his way across northern Spain to Italy and Rome. He was present at the Conclave of 1655 and joined that section of the College of Cardinals, led by Cardinal Francesco Barberini, which secured the election of Cardinal Fabio Chigi with the title of Alexander VII.[1] The new Pope, unwilling to offend France, vainly tried to compose de Retz's many quarrels with Mazarin and Louis XIV, and aroused both French suspicion and de Retz's discontent.

[1] *Lettres du Cardinal Mazarin*, ed. G. d'Avenel (Paris, 1906), v. 5, 14; D. Ogg, *Cardinal de Retz* (London, 1912), pp. 124–38; L. v. Pastor, *History of the Popes*, xxxi (London, 1940), 2 *sqq*.

The cardinal left Rome to wander in hiding for several years in Holland, Germany, and Flanders.

Charles II said he first met the French cardinal before his imprisonment.[1] The arrest much disturbed Hyde—recently back from Madrid—for he learned that there was found on him a letter of the king's concerning overtures to Innocent X and certain Catholic princes. He asserted that Anne of Austria had shown this letter to Henrietta Maria.[2] Previous attempts made to enlist the sympathy of the court of Rome had been unpromising, and the Pope was reluctant to have de Retz's case referred to him because of the perpetual threat of fresh assertions of Gallican privileges. The discovery of this compromising letter was in the circumstances most inopportune. De Retz's election as archbishop of Paris in March 1654 aggravated rather than eased his quarrel with the French court, while its possible repercussions on Stuart fortunes—through the cardinal's part in Philip IV's intervention in the civil disturbances in France in 1651–2—were made very clear when Lord Jermyn, Henrietta Maria's confidential adviser and the chief of Hyde's enemies in her hostile entourage, informed the king that Mazarin believed him to be entirely in the confidence of the Cardinal de Retz. This was said to give even greater offence at the French court than if he were with the king of Spain.[3] After Charles II's withdrawal from Paris to Brussels, consequent on Mazarin's alliance with Cromwell and when the exiled French cardinal's wanderings had brought him to Holland, a personal meeting became possible. Meanwhile, the king's treaty of alliance with Philip IV and the favours promised to his Catholic subjects by the secret article of that treaty provided a subject of mutual interest and of possible advantage for discussion between them.

An Irish Catholic agent of Charles II living in Paris managed discreetly to convey word to the cardinal at his retreat near Amsterdam, about the middle of April 1658, that the king wished

[1] Charles II to Barberini, 21/31 July 1658, *Cal. Clar. S.P.*, iv. 56.

[2] This story occurs in Clarendon's *History of the Rebellion*, Bk. xiv, § 66, but Clarendon is vague about the beginning of the friendship with de Retz, merely saying that the latter 'had always expressed great civility towards the King and a desire to serve him'. According to Clarendon the suggestion of an approach to the Pope came from the cardinal, who, he says, confessed that if the king changed his religion he might never be restored to his kingdoms.

[3] *Cal. S.P. Clar.*, ii. 177, 183, 209, 244, 328, 405.

to make a new approach to the papal court. This would demand adroit diplomacy, for the world now knew of the failure of the latest Royalist designs in England, and de Retz feared lest if he undertook the mission to Rome in person, Alexander VII might want to reconcile him to Mazarin on terms prejudicial to his dignity and his interests. Because of the danger from Mazarin's complete dominance over Lord Jermyn, de Retz was emphatic that Henrietta Maria should be kept entirely ignorant of the contemplated overtures. The French minister was well served by spies and agents who reported—not always accurately—de Retz's movements and, in particular, that he had recently been seen in Brussels and Antwerp. The Jesuit, Fr. Peter Talbot, had just gone on a private mission to Madrid, probably about the duke of York's private affairs and offices in the Spanish service, when in May a premature and over-optimistic rumour arose that the king had already satisfied the Pope about his intentions in favour of Catholics. This underlined the necessity of absolute secrecy.

The marquis of Ormonde's adventurous but fruitless mission to England at the beginning of 1658 to prepare for royalist risings in the spring had eventually ended with his safe return to Holland early in May by the devious route of Paris, Marseilles and the Rhine.[1] This opened the next stage in the king's relations with de Retz. In these negotiations the Irish Protestant marquis, linked with Catholicism by his own ancestry and many Catholic friends and relations, took a leading part. Either at the end of this month or early in June, an undated paper of instructions was carefully and probably reluctantly drafted by Hyde for an agent sent to ask the cardinal's advice on the king's far from prosperous affairs.[2] The agent, who most likely was Ormonde himself, was first to propose a private meeting between the king and de Retz at the invitation of the Princess Royal of Orange, and so to arrange the details that the meeting might not prejudice the cardinal. Then he was to reveal the non-fulfilment of the terms of the king's treaty with Philip IV: the failure to pay pensions and to give the supplies of men and money, lack of which had ruined the plans of his friends in England; and to ask his advice about the king's idea of making 'a posting journey into Spain'

[1] T. Carte, *Life of Ormonde* (new ed., Oxford, 1851), iii. 667–70.

[2] Bodleian Library, *MS. Clarendon* 58, fo. 92 (*Cal. Clar. S.P.*, iv. 49).

to try to get into his hands money designed for the performance of the treaty. The suggestion was, of course, that the ministers in Flanders were diverting it to other purposes.[1] But more delicate matters were to be broached. Though his contemplated visit to Frankfurt was now abandoned since French diplomacy had made it impossible for the newly-elected emperor to act against Cromwell in support of the Stuarts, or even to aid Philip IV against France, Charles II would, in any case, have to pass through Germany and Italy on the way to Madrid. The cardinal was, therefore, also to be asked about the prospects of help from German and Italian princes and even whether the king might hope for a private audience with the Pope in the course of his journey. Lastly, the king wanted de Retz to influence his former associate, the Prince of Condé, 'upon any change [in English affairs] to take His Majesty's interest to heart'.

No definite decision appears to have followed this consultation; nor is it certain when or where it took place. It was clearly after the beginning of April when the arrest of the royalist leaders in the English design had ended all hopes of immediate action there. Yet there is no obvious reference in the paper cited to the victory of the allied forces of the Puritan Protector and the Most Christian King at the Battle of the Dunes on 4/14 June, or to the fall of Dunkirk on 15/25 June. These serious misfortunes of the Spaniards in Flanders were a heavy blow to Charles II and made him reconsider his projected visit to Spain and consult de Retz a second time. The king met his sister at the village of Zevenbergen in the barony of Breda on 9/19 June at 7 p.m.,[2] and the cardinal, whose place of retirement was near Amsterdam, at his own suggestion met him there at some date within the next week or ten days.[3] Here he received the king's orders 'upon divers

[1] See Bennet's letters from Madrid to Hyde and Charles II, *ibid.*, pp. 43, 48–50.

[2] This precise information was passed by Downing to Thurloe (*Thurloe S.P.*, vii. 161). The cardinal's residence near Amsterdam is disclosed in a letter to Ormonde (Carte, *Original Letters*, London 1739, ii. 142).

[3] *MS. Clarendon*, 58, fo. 133r. This is a translation by H. Hyde of the cardinal's draft of a letter to Barberini. The limiting dates are approximately fixed by the fact that the king wrote Hyde from Brussels on 18/28 June about his dealings with the Nuncio (*Clarendon State Papers*, Oxford, 1767–86, iii. 403). Reports by the Nuncio in Brussels (12/22 June and 3/13 July) of the king's departure for and return from this visit confirm these dates (P.R.O. *Roman Transcripts*, 9/96 Nunt. di Fiandra 42).

affairs that concern the Catholic Religion', and of which, he says, 'it hath pleased His Majesty to give the Cardinal de Retz knowledge before his imprisonment', that is before 1652, when the devotion of his Catholic subjects in England, who had so notably aided his escape after Worcester, was still fresh in his mind.

De Retz drafted a full account to be sent to Cardinal Fr. Barberini of the king's very candid discourse about the condition of his affairs in general, and his 'great disposition . . . for the liberty of religion in his kingdom' where, in the cardinal's view, the prospects of the king's re-establishment were 'much more favourable than appears to those that have not a particular knowledge of the affairs of England'. As a Catholic, he affirmed, he cannot but be well satisfied, but his satisfaction 'would have been much more perfect and entire, if he did not perceive that there are many persons who want not design and application to disturb the good disposition wherein His Majesty is, in the matter of religion'. Certain disclosures by the king caused the cardinal much anxiety. Most of the king's Anglican advisers considered that the non-fulfilment by Spain of their treaty obligations to Charles II had annulled his engagements concerning liberty of conscience, and that the weakness of Spain, after her recent disasters in Flanders and fears aroused by the capture of Dunkirk, might make it easy for him to ally with the Electors of Saxony and Brandenburg, and even with Sweden and the Dutch against Cromwell and France.[1] This would 'lead him into England without deviating from the appearances of his religion, which in effect is the same which is in the hearts of the greatest number of his subjects, who inwardly are devoted to the very name of the King', and who would be alienated by a Catholic alliance. Such arguments, he thought, were very contrary to the interests of the Catholic religion, but, since 'Cromwell subsists only by a continued miracle'—presumably diabolical in origin—he thought it necessary 'to present all these considerations which might induce him' to remain well-disposed to his Catholic subjects. Independents and Puritans, he urged, were the only ones in England who had no good intentions to His Majesty's service and he should oppose to them the Catholics 'who without comparison are more

[1] This was an illusion in view of the capitulations imposed on the emperor by French diplomacy and the Rhenish League of 4/14 August 1658 (C. H. Firth, *Last Years of the Protectorate*, London 1909, ii. 251–6).

opposite to that kind of people than all other Sects in the Country'. The next passage is of special interest. He found, he said, no great difficulty in convincing the king of the advantage of this course, as he was

> very naturally disposed to favour the Catholics of his kingdoms, and that with such inclinations as might give the Cardinal de Retz *some hopes that in time* these affections which the King hath for their persons may pass even to their Religion; that the Cardinal de Retz hath not seen enough to warrant his saying more; that this is only a judgment of his own, which yet would not be without some foundation, if God who makes use of all ways to touch the hearts of men would give means to Catholics by so just an inducement of gratitude as that would be, which [he] would owe to persons who should have contributed to his establishment by a considerable assistance.

The king has prevailed over those opposed to the Catholic party, but in order to confirm him in his good intentions immediate action was necessary since, at any moment, he might be restored without Catholic help through the natural death of Cromwell, his assassination, or a new design or discontent amongst his troops. The cardinal has, therefore, tried to dispose him to 'a more particular and ready intelligence with the Pope . . . without saying anything to the King positively of the assistance he might hope from the Pope'. He has, himself, no doubt but that 'with an assistance somewhat considerable such an effect may be wrought in that Kingdom as may in the end *produce the absolute re-establishment of Religion there, and at the least to a perfect liberty*'. After a not altogether objective tribute to the king's probity and sense of gratitude and the absolute inviolability of his word, he explained that the king desired Cardinal Barberini to bring about the 'very good and more sincere intelligence with the Pope' that de Retz was hoping for. Barberini's interposition was particularly appropriate as he was the 'Protector of the three Kingdoms at the Court of Rome'. Not more should be required of the king by His Holiness if a treaty were entered into at Rome than appeared in the Spanish treaty, of which a copy was forwarded, and de Retz besought Barberini not to press the king 'in what concerns his particular conscience for that the same reasons which do induce the Cardinal de Retz to hope that good may

be done in that particular, do make it evident to him that the King is to be very tenderly dealt withal in that point'. Finally, he added, it 'would not be unprofitable' if His Holiness commanded the nuncio in Spain to recommend the king's interest to Philip IV.

This adroitly tendentious letter shows penetrating insight into Charles II's mind and his sympathy with Catholics and Catholicism, but it may be thought that the Cardinal, perhaps deliberately, perhaps in ignorance, minimized the difficulties that a king, restored by papal assistance, would have in carrying out his good intentions against the will of the majority of his subjects, whether Anglican, Presbyterian, or Independent. He might find it hard to retain his throne. It was left to Hyde to point this out in the letter he drafted in his own hand for the king to send to de Retz.[1] He no doubt did this very willingly.

This letter stated that the king had approved important amendments to the text of the letter to be sent by the Cardinal de Retz to his friend, Cardinal Francesco Barberini. The first, arising from a suggestion of the cardinal's, was to suppress the references to the faction in his court hostile to the Catholics and to substitute for it a narrative of the conferences between the king and the cardinal about the secret article in the Spanish treaty. The second was more destructive, for the king, prompted by his new Lord Chancellor, pointed out that while he could suspend penal laws he could not repeal them without Parliamentary consent, though he professed that he expected ready concurrence if Catholic assistance restored him. This, however, had been one of the chief causes of the failure of Ormonde's two treaties of 1646 and 1649 with the Confederate Catholics in Ireland, and of the re-call of the nuncio Rinuccini.[2] No Pope could be content with anything less than a repeal of the penal laws. All previous negotiations had failed to surmount this real obstacle. Put bluntly, the royal suspending power was an unreliable foundation for a treaty: the king might be unable to honour his promises because 'much the greatest part of the kingdom which do wish His Majesty well, hath more than an ordinary aversion to the Catholics'.[3] The

[1] *Cal. Clar. S.P.*, iv. 56. (See Appendix I to this paper.)

[2] See the accounts in the *Commentarius Rinuccinianus*, ed. Fr. Stanislaus (Irish MSS. Commission, Dublin, 1936, ii. *passim*); M. J. Hynes, *The Mission of Rinuccini*, Dublin, 1932, pp. 85 *sqq.*, 245–6.

[3] *Infra*, p. 64.

third variant interpolated was a reference to Mazarin's well-known efforts to make the English Catholics dependent on himself and to the zeal of some of them for Cromwell. Indeed, a secular priest, Thomas White, had published a book on *Obedience and Government*, arguing that they are obliged in conscience to submit to the present government.[1] This last remark has the authentic note of Clarendonian irony. His letter concluded by saying that the king did not intend to communicate this negotiation to the Spanish ministers, either in Brussels or in Madrid, and that he desired all possible secrecy to be observed.

As the method of approaching the papal court was now settled, Richard Bellings, son of the Secretary of the Supreme Council of the Confederate Catholics of Ireland, was instructed to draft letters from the king to Barberini and three other members of the Sacred College. These followed the form of a draft letter to Cardinal Azzolini, which the Cardinal de Retz sent with the draft of his personal letter to Cardinal Barberini.[2] Cardinal Azzolini had been one of the strongest advocates in the Conclave of 1655 of Alexander VII's election, though Mazarin was shortly to make an attempt to win him over to favour French interests.[3] Of the other two Cardinals, Chigi and Rospigliosi, the former was the Pope's eldest brother, Mario, and the latter, once nuncio in Madrid, had been made Papal Secretary of State after the last conclave, and eventually became Pope as Clement IX.[4] All four cardinals were asked for their help in those matters affecting the king's Catholic subjects in England, which he had entrusted to de Retz to communicate to the Pope.

Nothing further happened for some months, but the Cardinal de Retz left Holland, probably with the intention of either making his way to Rome or to some place near at hand where he could conveniently conduct his negotiations through his confidential messenger, the Abbé Cherrier, who took the various letters to Rome in July.[5] He had gone no further than Emmerich in Cleves,

[1] *Infra*, p. 64. The book was published in London in 1655 (two editions).
[2] *Cal. Clar. S.P.*, iv. 55–7.
[3] *Lettres du C. Mazarin*, viii. 773.
[4] Pastor, *op. cit.*, xxxi. 2 *sqq.*, 17, 23.
[5] In the Ormonde correspondence he has the pseudonym 'Roquevive'. He is described by R. Chantelauze, *Le Cardinal de Retz et ses missions diplomatiques à Rome* (Paris, 1879), p. 36 as 'l'homme le plus devoué au Cardinal de Retz, son confident le plus intime'. Here the name is spelt 'Charrier'.

when, on 12/22 September, the news of Cromwell's death reached him. He now told Ormonde that he was prepared to risk the perils of a journey to London to use his influence to animate the Catholics of England. In the meantime he would remain within reach of Amsterdam, where he had an accommodation address used by them for this correspondence.[1] During the days of hopeful expectation which followed, some royalist exiles were flattered by Mazarin's congratulations to the Queen Mother into thinking proposals might be made in Paris for the king's benefit, but Ormonde was sceptical and again asked de Retz's advice. Though he still hoped the Catholics of England would play their part, the king thought a visit by the cardinal to London not worth the great dangers involved.[2] The cardinal warned the king in his next letter that Mazarin's dubious pretences of friendship were most likely intended to give umbrage to the Spaniards: for this reason the Spanish ministers should be informed. Meanwhile, Ormonde suggested that Henrietta Maria might offer the king's mediation if she found there were prospects of peace between the two crowns.[3] Mazarin discovered, or professed to have learnt, that the Cardinal de Retz was much in the king's confidence, and renewed his old complaint to Henrietta Maria. Charles II replied to her that she was to say the king did not deny his friendship, but, since he did not even know exactly where the cardinal was, they could have few dealings with him. Since the king had spent the summer near Breda, this was at best a half-truth. Shortly afterwards, 27 October/6 November, de Retz wrote from Alkmaar in North Holland that Mazarin had probably made a chance shot, though it was likely he had agents keeping an eye on Holland.[4]

Richard Cromwell, by the end of the year, seemed firmly established in England, and the Anglo-French alliance remained intact. But the preliminary overtures between Louis XIV and Philip IV for peace and a marriage alliance were already in train and known to the exiled Stuart court. The decision to renew de Retz's negotiation at Rome was inevitable and now had a fresh incentive. At the cardinal's request, two new letters on the king's behalf were drawn up and forwarded by Ormonde on 13/23 December, stating that his resolutions in favour of the Catholics

[1] Carte, *Orig. Letters*, ii. 142, 143.
[2] *Ibid.*, 144–5.
[3] *Ibid.*, 145–7.
[4] *Ibid.*, 147–9.

were unaltered, in spite of the changed circumstances and new opportunities created by the death of Cromwell. The previous letters to the four cardinals had, of course, been dated before this long-hoped-for event had occurred. One of the new letters commanded de Retz to take immediate action in the affair. The other empowered the Abbé Cherrier to conclude and sign the treaty with the Pope on the terms the king had already proposed. Ormonde, in sending these letters, said the king relied on the cardinal to conduct the treaty in such a manner that he received no prejudice by these advances. He also added that the king begged him that, in case of a general peace treaty, he would be able to persuade the Pope to recommend his inclusion by the two crowns.[1] By the beginning of February, de Retz had reached Salzburg and was now fully empowered by the king to conclude with the papacy. He sent on by an express courier the necessary letters to the abbé in Rome and ironically remarked that his tiresome journey had been unnecessary so far as his personal affairs were concerned, because all the *Gazettes* were full of his accommodation with the French court.[2] He then moved on to Innsbruck. Ormonde, who was anxious that the secret of these letters should not leak out, was much relieved to hear of their safe arrival, but he was also beginning to have many hopes in other directions. Richard Cromwell's Parliament, now in session, seemed likely to arouse rather than compose English faction and thus offer new prospects for the royalists in England, if only the Spanish ministers in Flanders would cease to procrastinate. Current rumours spoke of a general peace as imminent and of Mazarin sincerely wanting it.

At Innsbruck on 7/17 March, the cardinal received a long despatch in cipher from his agent in Rome,[3] and, twelve days later, in the abbey of St. Gall in Switzerland, he penned his long decisive letter which announced the failure of his mission.[4] The Abbé Cherrier, preserving the strict secrecy already agreed upon, had seen the Cardinals Barberini and Azzolini: the latter had no great hopes, but the former did not doubt that the negotiation

[1] *Ibid.*, ii. 149–51.
[2] De Retz to Ormonde, Salzburg, 28 Jan./7 Feb., 1658/9 (*ibid.*, 151).
[3] *Ibid.*, 153.
[4] *MS. Clarendon* 60, fos. 233–6. This is a copy by Bellings bearing the Lord Chancellor's endorsement. (See Appendix II.)

ought to succeed. After one excuse for delay the Pope granted Barberini an interview, and, whilst admitting the importance of the affair, and his willingness to do what he could for Charles II, at the same time he let the cardinal know 'que la dignité du St. Siège ne luy permettant pas d'agir avec un Prince qui est hors de l'Eglise, il falloit chercher des moyens qui obviassent à ses inconveniens en luy marquant la Reyne sa Mère'. This was a decidedly unfavourable answer if the custom of the Roman court —never to give a direct refusal—were fully understood. De Retz congratulated himself on this account that no more direct approach had been made on the king's behalf. The abbé then returned with many expressions of compliment and friendship for de Retz from the Pope, but with nothing of moment. Azzolini's opinion was that the matter would be dragged out until eventually Rome acted according to the success of events in England. Even Barberini's buoyant hopes were somewhat diminished, yet de Retz was reluctant to believe that nothing would result, and consoled himself that the affair was in the safe hands of Barberini, who would press it to the end. He could only suggest that if the nuncio at Brussels mentioned the matter, the king should reply that he was leaving it to Barberini, as Protector of the English Catholics, without any reference to de Retz, and that the Abbé Cherrier, understanding the need of secrecy, had let it be understood in Rome that he was there solely on the private business of the exiled French cardinal.

What conclusions are to be drawn from the affair? It was certainly not the first attempt to enlist papal authority to stimulate Catholic princes to give active help to the Stuart cause, and the concessions proposed for enlisting their aid had been offered many times before on behalf of English as well as of Irish Catholics. Charles II, at any rate after 1651, as Clarendon wrote much later,[1] never dissembled his wish to ease the rigour of the penal laws against his Catholic subjects, as indeed he did after his Restoration, until the Cavalier Parliament restored the Anglican bishops and passed a new Act of Uniformity. It was the recognition by the Pope and Catholic Europe that his offers, whilst he was still an exile, were not firm offers that made them cautious. Hyde, the constitutionalist, had made no attempt to conceal this

[1] Clarendon, *Continuation of Life*, § 287. This was of course written during his second exile.

fact at an early stage in the negotiations.[1] Moreover, Alexander VII had his own troubles over the controversies within the Church in France: Jansenism, Gallicanism, and the de Retz affair. The English king was the ally of Spain, so that papal help to him at this time would hardly make papal relations with Louis XIV and Mazarin more harmonious. But the prospect of European peace and of fresh internal revolutions in England seemed to be inescapable arguments for compliments and delay. The suggestion of Henrietta Maria as an appropriate intermediary is significant of the wish to avoid offence to the French court. The reference to the king being outside the Church was obviously a polite way of refusing a treaty, but at any rate it refutes on the highest authority current rumours of his conversion.[2] The Cardinal de Retz's friendly offices may be regarded as resting on two motives: the first, a sincere sympathy with a fellow-exile and fellow-sufferer at the hands of Mazarin, with, perhaps, a secondary hope that gratitude for success might ameliorate his own fortunes; and secondly a subtle design for diminishing the influence of Mazarin in the Papal Curia. Finally, behind this negotiation may be discerned the distressing factions that afflicted the King's Catholic as well as his Protestant subjects, in England and in Ireland and among the groups of exiles in Flanders and Paris.

The friendship between the Cardinal de Retz and Charles II continued after the latter's non-Catholic subjects had been instrumental in bringing about his Restoration. Indeed, shortly afterwards, it was rumoured that he had visited England, but the king denied this to Bartet, Mazarin's secret envoy, who reasonably conjectured that all the king would do would be to endeavour to reconcile him to the French court. There is some evidence of this having occurred, but, in the end, the death of Mazarin removed the main obstacle, and agreement was reached under which the Cardinal gave up the disputed archbishopric of Paris for other preferments and returned to France in June 1662.[3]

[1] *Supra*, p. 56.

[2] One of the rumours was that he was secretly reconciled by Fr. Peter Talbot at Cologne in 1655. See Carte's *Ormonde*, iii. 652.

[3] Pastor, xxxi. 79–81; Ogg, pp. 159, 164–5; A. Gazier, *Les dernières années du Cardinal de Retz* (Paris, 1865), pp. 96–7; *MS. Clarendon*, 74, fo. 322; Chantelauze, *op. cit.*, chap. i.

APPENDIX[1]

I

CHARLES II TO CARDINAL DE RETZ[2]

MS. Clarendon 57, fos. 140–1

[140r.] His Majesty is aboundantly satisfyed with the methode and order of the Cardinall's dispatch, and hopes that the reason and viuacity of his discource, will produce that effecte they both wish. And His Majesty concurres with the Cardinall and upon the hintes given by him: that ther be a little alteracion in the express[yon] in 2 particulars in the letter to Cardinall Barberyne, (i) concerninge the opinion that any aboute his Majesty should haue, that the treaty with the Kinge of Spayne is become voyde, of which very ill vse might be made, if the Spanyards had an apprehension that any aboute his Majesty did thinke so, (ii) concerninge the disaffection[3] of any in creditt with his Majesty to Catholiques, and ther auersyon that his Majesty should make any coniunction with them, which beinge one of the calumnyes some passyonate and unskilfull Catholiques vse to asperce his Majesty's councell with, and probably suggest the same to his Holynesse, all the rest that they say may gayne the more creditt, if this particular seeme to be seconded by the observacion and testimony of the Cardinall. And his Majesty conceaues the arguments which the Cardinall makes vse of, from those supposicions, will haue the same full force, if (accordinge to the methode he proposed) he varyed the state of the matter of facte, in this manner:—

That upon the King's communicatinge to him the secrett arti[cle], the Cardinall hauinge reade and considered the same told his Majesty that as he was infinitely delighted to finde therein his Majesty's gratious purposes and indulgence to his Catholique subiects, so, that the pleasure and the comforte he receaued therby, was much allayed by the restriction in the conclusion of the article which made his Majesty's grace wholy depende

[1] The two letters in the Appendix are published by kind permission of the Bodleian Library.

[2] Not dated, but belongs probably to July 1658; See *Cal. Clar. S.P.*, iv. 55–63.

[3] *MS.*: 'dissatisfaction' cancelled.

upon the Kinge of Spaynes performance of what he had promised in the treaty, of which as his Majesty had not yett receaued the benefitt and advantage he had expected, so, it might fall out, that the Catholique Kinge might by the power and successe of his enimyes be disabled from performinge what he had promised and purposed to do and that he hoped, if God Almighty should by any other meanes or wayes restore his Majesty to his throne, he would not be lesse disposed to extende his grace and fauour to the Catholiques, then he had promised to be, upon the condicion mencioned in the article. Vpon which discource of the Cardinall's the Kinge told him, he would deale freely truely and cleerely with him as his confessor upon the pointe, and that he might depende upon what [he] should say to him, as much as if he gaue it under the greate Seale of Englande into his handes.

That as the Kinge of Spayne had made his care of the [Catho]li[q]ues and the aduancement of the Catholique religion a principle grounde and condicion of the treaty and o[f] his resolucions to assiste the Kinge, so his Majesty had an[nexe?]d that condicion of [140v.] performance to his concessions the more to obliege him to do his parte and that he might therby make the Pope and the Catholique princes and euen his Majesty's owne Catholique subiectes, the more sollicitous to assiste his Majesty.

That the Cardinall could not but very well know the seueare lawes in Englande against Catholiques, which though it be in his Majesty's owne power to suspende, in the execucion, yett an absolute repeale of them (without which the Catholiques will not be in that security and ease they have reason to desyre) depends as well upon the consent of a Parliament as upon his Majesty's goodnesse.

That his Majesty would deale freely with the Cardinall: that he had not under that condicion in the article promised to do anythinge, but what his owne Christian charity, iustice, and prudence inclined him to do, though nether the Pope or [*sic*] the Kinge of Spayne should contribute to his re-establishment, for he thought it an imprudent thinge, to give so considerable a parte of his subiectes, as the Catholiques are in his 3 kingdomes, that uneasinesse and excuse for beinge worse subiects then they would be, by restrayninge them from the exercize of ther religion. And of this temper he knew those to be who are most trusted [by] him in his affayres, and very many of his Protestant subiectes in

Englande of the greatest interest; yett that this is very farr from beinge the generall temper of the kingdome, and that much the greatest parte of the kingdome, which do wish his Majesty well, hath more than an ordinary auersyon to the Catholiques, and do belieue that the Kinge may do his businesse best without ther helpe, and purely upon the Protestant interest, and with these people, and the Protestants abroade, his Majesty sufferes very much by the vnskilfull and passyonate carriage of some over-zealous Catholiques, who thinke to do his Majesty seruice, by publishing his affection to Catholiques and euen inclinacion to [the] Catholique religion.

That for the satisfaction and preuaylinge with people of this temper in his kingdome, his Majesty thinkes it necessary to haue an obligacion of promise upon himselfe and obligacion of meritt from Catholiques, and t[her]f[o]re it is not more for his owne sake, then for thers, and for the facilitating his Majesty's fauours to them, that his Majesty desyres to be restored by or with some eminent assistance from them, and on ther behalfe, which is t[h]e more [nece]ss[ar]y, in reguarde it is well knowne, that Cardinall Maza[ry]ne lab[our]s very much to draw the dependence of the English Catholiques [wholly?] upon himselfe, and undertakes on ther behalfe to Crumwell that they shall [141r.] be dutifull to him, and promises by his interest with the Pope, to obstracte [*sic*] any assistance which the Kinge may hope from that way. And some Catholiques in Englande, expresse more than an ordinary zeale for Crumwell, and a secular Priest (one White) hath published a booke of *Obedyence and Government*,[1] in which he persuades the Catholiques that they are oblieged in conscience to submitt to the present government. None of which particulars made any impressyon in him, to change his inclinacions and purpose he expressed before, yett, rendered the Catholiques the more obnoxious to the passyon and prejudice of many, and made it the more necessary that his Majesty be helped to do them that grace he desyres, by receauinge some benefitt for ther sakes, and in contemplacion of his fauourable purposes towards them. And then whosoeuer considers that the obligacion of this kinde, which shall be layde upon his Majesty will appeare to be as much for the benefitt of the oppressed nobility and gentry of the kingdome of which all Parliaments must consiste, as of the Kinge himselfe,

[1] By Thomas White, Gentleman, London, 1655, sm. 8vo.

cannot doubte but that such a Parliament so oblieged, will readily concurre in whatsoeuer his Majesty shall propose to them, on the behalfe of his Catholique subiectes, whereas if any other accidents, as the death of Crumwell, or of some other persons, a warr betweene Crumwell and Hollande or any other revolucion Englishe or abroade, which may very reasonably be expected, shall with the blessing of God restore his Majesty and without any concurrence or obligacion from his Holiness and the Catholique interest, his Majesty will have the harder worke to manifest that kindnesse he hath for his Catholique subiectes, how gratious soeuer he is inclined to be towarde them.

His Majesty doth not intende to communicate this businesse, or any thinge that the Cardinall intendes to sollicitt at Rome on his Majesty's behalfe, with any of the Spanish ministers heare or at Madrid, or that the same shall be knowne to more then the Cardinall himselfe findes it necessary to imparte it to: for, besides that it is probable it may be transacted at Rome with the more secrecy, if it shall come to the knowledge of the Spaniarde, they cannot in any degree take it ill, since ther is no more offered on the behalfe of the Catholiques, then was obtayned of his Majesty by the Catholique Kinge, and first imparted to his Holynesse by him; and they do expresse a desyre that his Majesty should vse any other meanes to recommende himselfe to the Pope, and would be very gladd that the Pope would rather recommende the Kinge to the Kinge of Spayne, and encourage him to proceede towarde his assistance, then be pressed themselves to be sollicitous with his Holinesse on his Majesty's behalfe.

The Kinge believes that as the consideracion of the Catholiques who lyve under Crumwell's power for the present, and least they should be utterly extirpated, prevayles with the Pope not to publishe those good wishes which his Majesty is confident he hath for him, so, that he(?) will desyre that any euidence he shall giue of his affection for the Kinge, shall be in as secrett a manner as is possible; and to that purpose, the Cardinall is desyred to vndertake, that all secrecy shall be observed, and that nothinge shall be communicated, that the Pope desyres shall be kept priuate, in any other manner, or to any other persons then his Holinesse himselfe shall prescribe.

Draft by Sir Edward Hyde.

II

CARDINAL DE RETZ TO MARQUIS OF ORMONDE

1659, March 29 [N.S.]

MS. Clarendon 60, fos. 233–6

Vous saurez par cette lettre toute la substance de celle de Roquevive.[1] Il arriva à Rome plus tard qu'il ne croioit parce qu'il fust arresté en chemin par une petite maladie et s'y tient fort couvert selon ce que le Cardinal Francisco Barberin m'en avoit desjà mandé et selon la conduitte que je vous dis autrefois qu'il prendroit pour ne pas exposer légèrement le nom de sa Majesté &c. Il m'y vit que le Cardinal Barberin et le Cardinal Azzolin à qui j'ay crus que l'on se pouvoit absolument se confier. L'un et l'autre approuverent de nouveau la conduitte de ne pas paroistre jusqu'à ce que l'on vit quel train pourroit prendre l'affaire mais ils furent de different sentiment sur le succès. Le Cardinal Azzolin tesmoigna qu'il n'en avoit pas grande espérance par toutes les considerations dont je vous ay autrefois parlè. Le Cardinal Barberin ne doubta point que la négotiation ne deut réussir par toutes les raisons que vous n'ignorez pas. Ils convindrent après une longue déliberation qu'ils eurent ensemble de toutes les propositions qui leurs estoient faites de ma part, et particulièrement de celle sur la quelle j'insistois qu'à moins que l'on fust assuré d'une bonne issue en cette affaire, de Roquevive ne parut à Rome, à cause de l'inconvenient qu'il pourroit y avoit d'exposer en quelque manière le nom de Sa Majesté par la présence d'un homme qui pourroit porter le caractère de son serviteur et de son envoyé, si l'on manquoit au secret. Le Cardinal Barberin se chargea d'en parler au Pape, en la manière du pays, c'est à dire pour sonder adroitment ses intentions pour juger de la façon qu'il servit à propos de donner ouverture à la négotiation. Le Pape ne fit d'abord aucune réponse et s'excuse sur la circomstance du lieu qui estoit la Consistoire où il avoit beaucoup

[1] This had been received by the Cardinal just as he was sending his previous letter; see Carte, *Orig. Letters*, ii. 153.

d'audience à donner à d'autres cardinaux, et remit le Cardinal Barberin au Jeudy suivant et ayant donné lieu dans la conversation au Cardinal Barberin de dire davantage qu'il n'avoit fait la première fois, il tesmoigna qu'il comprenoit l'importance de l'affaire et qu'il estoit très disposé à faire ce qu'il pourroit pour Sa Majesté mais luy fit connoistre en mesme temps que la dignite du St. Siège ne luy permettant pas d'agir avec un Prince qui est hors de l'Eglise, il falloit chercher des moyens qui obviassent à ces inconveniens en luy marquant la Reyne sa Mère. Vous juges bien que cette circomspection dans la première pas d'une affaire de cette nature ne parut pas tout à fait favorable à ceux qui connoissent le pays où l'on ne refuse jamais rien que sous des prétextes. Cela joint à d'autres petites remarques tirées du détail de la Cour de Rome fit croire au Cardinal Barberin et au Cardinal Azzolin que la veüe que j'avois eu de ne laisser aucune couleur à la mauvaise intention de ceux qui pourroient traverser cette affaire, n'estoit pas tout à fait fausse, et les fit consentir que Roquevive ne jouat en ce rencontre que le personnage d'un homme qui estoit allé porter en secret au Cardinal Barberin les intentions de sa Majesté. On en parla au Pape de cette manière. On n'eust pas de peine à luy trouver bon et on s'apperceut par quelques circomstances qui seroit trop longues à escrire que l'on avoit raison de mettre toute l'affaire sur le Cardinal Barberin en la personne duquel on ne peut trouver aucun prétexte qui puisse nuire ou retarder. De Roquevive s'en revient donc au premier jour chargé de beaucoup d'amitiè du Pape pour moy, de beaucoup de compliment en général sur les suites de l'affaire mais en effect de peu de chose réel et effectif. Le Cardinal Azzolin demeure tousjours dans son opinion que les choses iront en longueur et que Rome se conduira selon le succés des affaires d'Angleterre. Barberin demeure tousjours dans son espérance mais un peu diminuée depuis qu'il a veu le premier pas d'une affaire de cette nature a esté une difficulté de bienséance, et pour moy, tout consideré, je ne puis m'imaginer que Rome ne fasse quelque chose, et ce qui m'en donne plus d'espérance est que l'affaire est entre les mains de Barberin qui est passioné pour son succés, autant que moy, et qui pressera la chose au dernier point. De Roquevive luy a fait connoistre tous les inconveniens qu'il y a à prendre le détour de la Reyne Mère, et il les a compris et fera son devoir sur le sujet. Enfin je suis asseuré que s'il ne me manda pas le fond de tout ce

qui se passera en tout cela comme l'auroit fait de Roquevive, il ne laissera pas de me le faire entendre en d'autres termes, qu'il ne trompera ni amusera sa Majesté et que l'on sera fort bien adverti de tout le détail. Il comprend fort bien l'inconvenient qu'il y a à laisser passer les choses par le canal de Nonces, et s'en deffendra autant qu'il le pourra; et on est convenu avec luy de tout ce que peut estre util au service de sa Majesté à qui je ne manqueray pas de rendre compte exactement de tous les pas qui se feront.

Si l'Internonce de Bruxelles fait quelque compliment à Sa Majesté sur la proposition que Roquevive a fait à Rome, je prends la liberté de dire à Sa Majesté qu'il me semble qu'il est à propos qu'elle n'y répond qu'en général, se remettant au Cardinal Barberin comme Protecteur des Catholiques d'Angleterre à qui elle a pleine confiance et a fait sçavoir ses intentions sans parler de moy, pour les mesmes raisons qui ont fait jugés à propos de ne point faire paroistre de Roquevive à Rome. Sur le tout je vous répète encore que je ne puis croire que l'on ne fasse quelque chose. De Roquevive croit avoir fait comprendre l'importance du secret; il est certain que pour ce que est de luy il n'y a personne à Rome qui sçache qu'il y ait esté, et quand mesme on le viendroit a descouvrir on a pourveu à faire croire que ce seroit mes affaires. Voilà la substance de la despêche de Roquevive qui me mande que par le premier ordinaire il me faira [*sic*] sçavoir beaucoup d'autres circomstances de ce qui s'est passé dont je vous rendray compte exactement. Je supplye V.E. de croire qu'il n'y a personne au monde qui l'honore plus parfaitement et plus véritablement que moy et qui souhaite plus la conservation de ses bonnes graces que me seront toute ma vie très chères. . . .[1]

A St. Gal, ce 29 Mars.

Copy by R. Bellings; endorsed by Sir Edward Hyde, 'C.R. to L^d^. Lieut. 29 March'.

[1] A postscript about *l'affaire Elvas* is omitted as not relevant to the subject of this paper. The inconsistent spellings of this copy have been slightly modernized and some missing accents have been added.

THE POLITICAL CREED OF THOMAS CROMWELL

By G. R. Elton, M.A., Ph.D., F.R.Hist.S.

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TWO views are current concerning the political views of Thomas Cromwell. One—the more common—holds that he believed in absolute monarchy and desired to establish it in England. The Abbé Constant, summarizing (as was his wont) other people's views in language free from other people's reservations, stated it most starkly: he thought that Cromwell aimed at making Henry 'tout-puissant' and that his ministry was the golden age of Tudor despotism.[1] Quite recently, an ingenious theory, buttressed with a misunderstood document, based itself on this general conviction.[2] This view has suffered curiously little from the growing realization that the Henrician Reformation rested on conscious co-operation with Parliament and that the propagandists of the time never produced a theory of absolute monarchy.[3] Pollard, the defender of Henry VIII's constitutionalism, seems to have held that, though the king had no ambitions for a genuine despotism, Cromwell certainly harboured such ideas.[4] The other view, recently given support by Dr. Parker,[5] holds that Cromwell did not bother at all about theoretical issues, that his 'resolutely Philistine type of mind' despised political theory, and that he never thought beyond the establishment of a sovereign

[1] G. Constant, *La Réforme en Angleterre: Henri VIII* (1930), pp. 179 f, Cf. R. B. Merriman, *Life and Letters of Thomas Cromwell* (1902) (hereafter cited as *Cromwell's Letters*), i. 112; K. Pickthorn, *Early Tudor Government: Henry VIII* (1934), p. 203, and J. B. Mackie, *The Early Tudors* (1952), p. 417 (with reservations); P. Hughes, *The Reformation in England: The King's Proceedings* (1950), p. 225.

[2] L. Stone, 'Thomas Cromwell's Political Programme', *Bull. Inst. Hist. Res.*, xxiv (1951), 1 ff.; and cf. my reply, *ibid.*, xxv (1952), 126 ff.

[3] F. Baumer, *Early Tudor Theory of Kingship* (1940); W. G. Zeeveld, *Foundations of Tudor Policy* (1948).

[4] A. F. Pollard, *Henry VIII* (1905), p. 323.

[5] T. M. Parker, 'Was Thomas Cromwell a Machiavellian?', *Journal of Eccl. Hist.*, i (1950), 63 ff.

monarchy. Thus, too, Mr. Baumer thought that Cromwell saw in Parliament 'only a means of executing the royal will', but also that he 'had no theoretical views whatever about the relation of the king to the law'—passages hard to reconcile but suggestive of Dr. Parker's views rather than M. Constant's.[1]

In opposition to these views I should like to put forward an interpretation which, starting from the supposition that Cromwell was greatly interested in theories of the state and of law, arrives at the conclusion that his political creed centred on the legal supremacy of the king in Parliament and included no ambitions for a purely royal despotism. Admittedly, the attempt will encounter formidable difficulties. Interested in theory or not, Cromwell was certainly no writer of theory, and the only direct testimony to his political views is that on which rests the opinion that he favoured despotism. He is that bane of the historian—a man whose awareness of theory and capacity for real thought cannot be doubted, but whose tenets have to be laboriously extracted from his deeds. Yet, as Dr. Parker has recognized,[2] Cromwell's mind matters because it was he who directed the Henrician Reformation and in all probability determined its 'unique and peculiar course'. I have offered proof of this elsewhere[3]; here I must content myself with asserting that the ideas underlying the Reformation emanated from Cromwell rather than the king, and that the Reformation legislation embodies his views of Church and State. Furthermore, difficult though it is to maintain the distinction, I have time on this occasion only to discuss Cromwell's theory of the State; his attitude to Church and religion must on the whole be left out. In any case, he was notoriously secular in his thought, and an understanding of what he held about the nature of the State he was reconstructing is the first essential for an understanding of the man.

I

It is first necessary to dispose of the two established views just outlined. The notion that Cromwell had no time for theories is easily disproved. Whatever the value of Reginald Pole's famous account of his conversation with Cromwell on the State

[1] Baumer, *op. cit.*, pp. 152, 169. [2] *Op. cit.*, p. 63.

[3] 'King or Minister? The Man behind the Henrician Reformation', *History*, Oct. 1954.

and the duty of a councillor (and it must engage our attention in a moment), it shows plainly that Cromwell, though he thought little of Plato, was well acquainted with writings on the State.[1] There are traces of a lively concern with ideas in his letters. An interest in theology appears in such remarks as his refutation of Fisher's citation of Amos or his reproof to Shaxton, whose scriptural quotations he confidently asserted were out of context.[2] A real acquaintance with legal theory is argued by his bold claim that the law divine is irrelevant to affairs in England.[3] Most conclusively, there is the testimony of Thomas Starkey, himself an undoubted theorist. He had, says he, many a talk with Cromwell 'of god, of nature & of other polytyke & wordly thyngys' from which he had 'geddryd more frute of truth then I haue downe of any other man lyuyng syth I cam here to my cuntrey'.[4] The praise may mean little, but the fact of those discourses cannot be ignored. On one such occasion Cromwell asked Starkey 'what thyng hyt ys aftur the sentence of aristotyl & the ancyent perypatetykys that commynly among them ys callyd pollycy', to be answered with a little pamphlet on the subject.[5] Clearly, Cromwell devoted time to enquiry about fundamentals; the assumption that he was capable, even avid, of genuine political speculation needs no further proof.

The other view, that Cromwell wished to establish a 'Machiavellian' despotism, is much more firmly entrenched and harder to shake. Its strength derives from its being based on the only detailed account of Cromwell's views which has survived. This is Reginald Pole's description, written a few months after

[1] Reginald Pole, 'Apologia ad Carolum Quintum Caesarem', *Epistolarum etc. Pars Prima* (ed. Quirini, Brescia, 1744), pp. 133 ff.

[2] *Cromwell's Letters*, i. 376; ii. 128 f.

[3] *Ibid.*, i. 376: anticipating Fisher's argument that one line of thought agreed with the law of God and another did not, Cromwell supposed that 'this had been no greate cause more to reiect the one than thother, for ye know by histories of the bible that god may by his reuelation dispense with his owne Law'. Dr. Parker's comment on this passage (*op. cit.*, pp. 73 f.) seems to me entirely tendentious. Cromwell here came as near to denying the place of the law divine in matters affected by the positive law of the realm as a man could who wished to avoid a charge of heresy.

[4] P.R.O. State Papers Henry VIII, vol. 89, fo. 138; *England in the Reign of King Henry the Eighth* (ed. S. J. Herrtage and J. M. Cowper, E.E.T.S., 1878; hereafter cited as *Starkey's England*), p. lxxi.

[5] Zeeveld, *op. cit.*, p. 143.

Cromwell had assisted in wiping out Pole's family. The general unreliability of his *Apologia*, with its delineation of the satanic disciple of Machiavelli fouling the pure spring of Catholic doctrine, was exposed a half-century ago by Van Dyke[1]; nevertheless his picture, etched with the acid of personal hatred, continues to be accepted. For while Van Dyke showed that Pole's general story will not stand up to examination, he failed to shake Pole's account of Cromwell's credo, and it is this that matters.

In the speech which Pole puts into Cromwell's mouth at his alleged (and mythical)[2] first interview with the king, he elaborated these arguments: a prince, being above the law, can alter the laws and give them to others; the distinction between right and wrong is relative and does not apply to kings in the same way as to lesser mortals—that is, political morality differs from abstract ethics; no realm can have two masters and the king must not be deprived of 'maximum auctoritatis nomen . . . Caput Ecclesiae'.[3] To this may be added the points which Pole says Cromwell made in conversation when they discussed the proper duty of a councillor.[4] In reply to Pole's view that a councillor's first concern was to serve the honour and advantage of his prince and to his academic citation of authorities, Cromwell replied that that was all very well for the schools and for popular consumption but of little use in practice. Advice must be suited to the time, the place, and the audience. A minister must study 'quo tendit voluntas principis', taking into account even unspoken desires. If he does his work well he will achieve the prince's ambitions without any appearance of disaffection or religious schism.[5] A show of moral virtue must be maintained. He rallied Pole on his inexperience of public life which made him feel shocked by these sentiments, and finished by recommending a book which Pole says he later found to be Machiavelli's *Prince*.

This description of a worldly-wise politician, concerned only with serving the powers that be and with saving face, is superficially credible enough. Whether it represents anything like

[1] P. Van Dyke, *Renascence Portraits* (1906), App., pp. 377 ff.
[2] G. R. Elton, *The Tudor Revolution in Government* (1953), pp. 73 f.
[3] Pole, 'Apologia', pp. 118 ff.
[4] *Ibid.*, pp. 133 ff.
[5] '. . . ut et Princeps sua desideria consequatur nec tamen defectio ulla vel schisma in religione appareat.'

Cromwell's true opinion, or more than the passing mood of an argument in which Cromwell grew more cynical as Pole grew more priggish, is quite another matter. It is important to know whether Pole had good warrant for ascribing such views to Cromwell. He himself admitted that he could not report accurately a speech whose delivery he had not attended, and that he had never heard Cromwell make public statements of this kind.[1] But, he claimed, he had put nothing into Cromwell's mouth 'quod non vel ab eodem . . . eo narrante intellexi, vel ab illis qui eius consilii fuerunt participes'. The sayings which he had collected into one speech he had not spun out of his own mind but in effect had taken from Cromwell's own lips.[2] This seems an impressive voucher, until one looks at the facts. By his own admission, Pole had met Cromwell only once in his life;[3] in 1535, Starkey, who knew them both well, said they were 'almost vnacquaynted & of smal famylyaryte'.[4] Pole also admitted that he was never sufficiently familiar with Cromwell's circle to have been made privy to their inmost thoughts, a reservation which must be taken in conjunction with his statement that Cromwell never put forward his blasphemous ideas in public where he always appeared as a good Christian.[5] Nor will Pole deny that a man's actions may be variously interpreted and cannot afford an absolute insight into his mind; only God will see there. What then is left as the source of Pole's account of Cromwell's opinions? After all these concessions it is certainly surprising to find him offer these foundations: the single conversation about a councillor's duty, and those very actions whose utility for this purpose he had just queried.[6] Since his own report of his talk with Cromwell shows that they spoke of nothing except the office of a councillor and did not stray into such large fields as the king's relation to the law or the impossibility of two rulers in one realm, it follows that Pole had nothing to show for all his argument except his own prejudiced

[1] Pole, 'Apologia', pp. 123, 127.

[2] *Ibid.*, pp. 123 f.

[3] *Ibid.*, p. 132: 'semel et iterum, numquam amplius', which means twice. As Van Dyke has pointed out (*op. cit.*, p. 393 n.), this conflicts with Pole's repeated mention of one conversation; it can only be reconciled on the likely supposition that the editor's comma ought to be shifted after 'semel'.

[4] *Starkey's England*, p. xv.

[5] Pole, 'Apologia', pp. 131 f.

[6] *Ibid.*, p. 132.

interpretation of events, which he had himself agreed to be an unsafe guide.[1]

Pole is thus not to be relied on, but it is of course possible that, blinded by personal hatred though he was, he may yet have hit upon the truth. His accusation that Cromwell wished to elevate the king above the law has found the readier credence because there appears to be confirmatory evidence. In 1547 Stephen Gardiner wrote to the Protector Somerset a letter of self-defence in which he told how Cromwell had once, in Henry's presence, challenged him with the words: 'Come on, my Lord of Winchester . . . is not that that pleaseth the King, a lawe? Have ye not ther in the Civill Lawe . . . *quod principi placuit*, and so fourth? . . . I have somwhat forgotten it now.'[2] Gardiner, of course, gave the king much better and more constitutional advice. Once again, a leading enemy's word is taken without question. Gardiner himself admits that Cromwell 'turned the cat in the panne afore company' and pretended their parts had been reversed. Can we be sure that 'Wily Winchester' was telling the story the right way round? And even if he was, have we here more than an example of Cromwell's well-known lively conversation and sharp wit?[3] He had 'somwhat forgotten'. Indeed, he might easily have done so, for unlike Gardiner (who prided himself on his knowledge and—in Dr. Parker's words[4]—showed a 'donnish contempt for the unlearned Cromwell') he had never studied the civil law. Such casual talk should no more form the basis for an estimate of Cromwell's views than should another oft-quoted remark reported by Chapuys: Cromwell allegedly said that the Turk

[1] Having found Pole out in so much question-begging and feeble argument, one might be tempted to doubt the whole story of the conversation. Pole certainly did not think Cromwell so satanic as early as Wolsey's last year of office, for he later corresponded with him and had proof of potential favour (Van Dyke, *op. cit.*, pp. 406 ff.). Moreover, the whole argument about the schools and life—academic and political employment—sounds suspiciously like the points which in 1535 Cromwell told Starkey to put to Pole in an effort to win his services for the king's cause (*Starkey's England*, pp. xxii–xxiii). But we may let the interview stand, so graphically described by Pole, who did not seem to realize what a poor figure he cut in his own account—priggish, narrow-minded, inexperienced, and humourless.

[2] *Letters of Stephen Gardiner* (ed. J. A. Muller, 1933), p. 399.

[3] Van Dyke (*op. cit.*, p. 144) rightly speaks of Cromwell's 'habit of not taking himself too seriously'.

[4] Parker, *op. cit.*, p. 73.

might well be called king and prince 'for the absolute authority he exercises over his subjects'.[1] To read into this more than the momentary exasperation of a minister overwhelmed with the labour of governing a litigious and recalcitrant people is to use evidence by quantity instead of quality.

Cromwell's supposed liking for a true despotism—as distinct from strong and energetic rule—thus rests on quite insufficient foundations. What, then, can be made of the Machiavellian label stuck on him by Pole? Van Dyke argued that in 1528 Cromwell could not have recommended the *Prince*, not printed until 1532, and suggested that he was thinking of Castiglione's *Courtier*.[2] This idea found favour with L. A. Weisberger, who held that no Tudor statesman can be shown to have been a disciple of Machiavelli even if his actions agreed with the precepts of the *Prince*.[3] Of course, since Machiavelli did not so much teach new maxims of statecraft as summarize recognized and necessary practice, a touch of 'Machiavellianism' will be noticeable in every competent politician's actions as long as circumstances are as they are. Nevertheless, it would be interesting to know whether Cromwell did or did not read the book. Independently, Mr. Zeeveld and Dr. Parker have rejected Van Dyke's attempt to substitute the *Courtier* for the *Prince*;[4] the sentiments expressed by Castiglione certainly bear no relation to the points which Cromwell apparently made in his conversation with Pole.[5] On the other hand, Machiavelli's treatise also contains nothing about the duties of a councillor. Cromwell cannot be saved for Machiavelli's school by Mr. Zeeveld's argument that his mouthpiece Richard Morison knew the Florentine's works in 1535, immediately after his return from Italy; the question is whether Cromwell knew the *Prince* much earlier. One must in general agree with Dr. Parker that it cannot be shown whether Cromwell ever studied Machiavelli, while reserving judgment on his unsupported conclusion

[1] *Letters and Papers of Henry VIII* (hereafter cited as *L. & P.*), vii. 1554.

[2] *Op. cit.*, pp. 400 ff.

[3] 'Machiavelli and Tudor England', *Political Science Quart.*, xlii (1927), 589 ff.

[4] Zeeveld, *op. cit.*, pp. 184 ff.; Parker, *op. cit.*, pp. 67 ff.

[5] The *Cortegiano* (trs. Thomas Hoby, 1561; L. E. Opdycke, 1902) does not deal with ministerial duties, but only with the ceremonial, athletic, and artistic performances of the courtier.

that Cromwell was in any case 'Machiavellian' in the sense that he shared his 'drab outlook upon the world'.[1]

II

So much for the received notions; now to turn to Cromwell himself. His letters are those of a practical man; they stick to the point and rarely indulge in those generalizations which give an insight into a man's mind and of which even the few examples extant show him to have been perfectly capable. 'My prayer is', he wrote in March 1538, 'that God gyue me no longer lyfe than I shall be gladde to vse myn office in edificatione, and not in destruction.'[2] As it turned out, he was to be cut off in the middle of vigorous activity and yet full of plans for the better organizing of the realm. It is usual to speak of him as a radical, and inasmuch as his work involved much sweeping away of men and institutions, and a cold-blooded disregard of obstacles, he deserves that name. But his positive notions seem to have been less radical than is supposed: he preached moderation, especially in innovation, though admittedly for a good practical reason. The bishops were warned to avoid extremes in enforcing the new teaching, so as not to 'brede contention Deuision and contrariety in opinion in the vnlerned multitude'.[4] He made much the same point in the debates preceding the publication, in 1537, of the *Institution of a Christian Man*, when he demanded unity on a basis of moderation, avoiding both popery and sacramentarianism.[5] Very nearly

[1] *Op. cit.*, pp. 74 f.

[2] *Cromwell's Letters*, ii. 129.

[3] Elton, *Tudor Rev.*, pp. 416 f., and 'Thomas Cromwell's Decline and Fall', *Cambridge Historical Journal*, x (1951), pp. 150 ff.

[4] *Cromwell's Letters*, ii. 112.

[5] A. Alesius, *Of the auctorite of the word of god agaynst the bisshop of London* (?1540; cf. *L. & P.* xii. I. 790). The occasion and date of the speech there reported are conjectural. Since the number of sacraments was the main topic of debate, 1536–7 is presumably right, though I had a passing thought of identifying this speech with that made in 1540 (next note). The difficulty is that Alesius speaks very definitely of the Parliament House as the stage of the disputation. The Parliament of 1536 cannot be meant because Cromwell did not attend the Upper House until the last day of that session (*Lords' Journals*, i. 101); the next Parliament met in 1539. Nor did Convocation meet in the interval. Perhaps one may guess at an informal meeting of the bishops, early in 1537, which happened to be held in the 'Parliament House';

the same words recur in his address to the House of Lords in 1540 when once more he insisted on the need for moderation and unity in religion.[1] In 1539 he wished to treat the Calais sacramentarians with 'charyte and myld handeling . . . without Rigour or extreame dealing',[2] and this should not be put down to his reformed sympathies which stopped well short of sacramentarianism and nonconformity. Though pressure from the king induced him to think them more dangerous than he had at first believed, he adhered to a preference for relative gentleness, if only because public and extreme measures would advertise disunion in the realm.[3]

Another important strand in his thought must be looked for in the idea of law. Like all Tudor councillors, Cromwell devoted much time to sifting petitions and adjudicating upon claims, though he showed no liking for the formal duties of a judge.[4] But if, unlike Wolsey, he did not wish to preside in a court, he seems nevertheless to have cultivated a reputation for strict 'indifference' or judicial fairness.[5] Several times he expressed specific respect for the law, telling Fisher that 'your thinking shal not be your triall, but the Law must diffine' his guilt,[6] or admitting even in his extremity that he was 'A Subiect and boorn to obbey lawse'.[7] 'The tryall of all lawse', he wrote in the same letter, 'only consystethe in honest and probable wytnes'—an interesting comment in itself as showing him capable of philosophizing about the law, but particularly interesting from one who is commonly charged with condemning men on slender grounds and even unheard. Whether, in fact, Cromwell was as black in these respects as he is painted it is outside the scope of this paper to enquire; in passing we may note that the point has

this is supported by Cromwell's reported thanks to the prelates for turning up and by the informality of his introducing Alesius, whom he happened to run across on his way to the discussion, into the meeting.

[1] *Lords' Journals*, i. 128 f.

[2] *Cromwell's Letters*, ii. 223 f.

[3] *Ibid.*, pp. 139 f., 142, 148 f., 226 ff.

[4] Elton, *Tudor Rev.*, pp. 132 f., 139.

[5] Cf. Van Dyke, *op. cit.*, pp. 163 f. There are many references to this 'indifference' in his correspondence, and not all of them can be put down to an interested party's attempt to flatter him.

[6] *Cromwell's Letters*, i. 377.

[7] *Ibid.*, ii. 273.

never been proved, being merely repeated by one writer after another.[1]

Cromwell, then, regarded the law with theoretical respect, and the respect was that of the common lawyer. Maitland's thesis that in the 1530's the fate of the common law hung in the balance—that England nearly had a 'Reception' of Roman law—has been laboriously and successfully overthrown by Holdsworth.[2] At most we can speak of danger to the old courts of the common law, which were being rivalled by new courts where the common law, augmented by statutes, was enforced more efficiently. The law itself never budged before the civil law, confined from the first to those spheres which the common law did not touch. It is, however, still supposed that it triumphed despite the intentions of the government. But was it the government who favoured a 'Reception'? Wolsey may have been influenced by civil-law principles, and in the 1530's many of Henry VIII's lesser servants were civilians. So were some bishops of the conservative party—Gardiner, Tunstall, Sampson, Clerk. If Starkey may be believed, Pole strongly favoured the sweeping away of the barbaric common law and its replacement by the enlightenment of Rome.[3] But all these supporters of the civil law were either subordinates, or in exile like Pole, or virtually excluded from a share in shaping policy.

Cromwell dominated the king's counsels, and his party included no civilians of note. The more or less radical bishops who looked to him—Cranmer, Foxe, Latimer, Shaxton—were theologians, not lawyers, and his leading professional assistants—

[1] The whole notion of Cromwell's 'terror', spy-system, and extra-legal practices rests, so it seems to me, partly on ancient misunderstandings (first created by Henry VIII's desire to throw all the blame for his vengeful deeds on others) and partly on Merriman's astonishing readiness to blow up every stray suspicion into fact. The strength of his argument may be gauged from one quotation: 'The punishments in these cases were very severe: there are almost no records of penalties inflicted on those against whom the depositions were brought, but there is reason to believe that comparatively slight misdemeanours were not seldom rewarded with death' (*op. cit.*, i. 118). Comment is superfluous on this cavalier treatment of one of the most difficult sixteenth-century problems: what happened when a man was denounced, and how far were laws effective?

[2] F. W. Maitland, *English Law and the Renaissance* (1901); W. S. Holdsworth, *History of English Law*, iv. 217 ff.

[3] *Starkey's England*, pp. 192 ff.

Audley, the lord chancellor, or Rich, the chancellor of Augmentations—were common lawyers tried and trained. It was during his tenure of office that the Court of Requests, a stronghold of civilians, acquired a common lawyer as a member of its permanent staff.[1] And he himself had long practised in the common law. His earlier correspondence abounds with notes of such work; he held powers of attorney, represented in suits, acted in cases of debt.[2] Even after he had entered the king's service he did not surrender his private practice;[3] later, legal work on the king's behalf occupied much of his time. He was a member of Gray's Inn.[4] The man who knew his Bracton well enough to recommend him to others for giving the king the title of *vicarius Christi* is at least as likely to have remembered that 'rex debet esse sub lege' as the civilian principle to which Gardiner (as we have seen) said he appealed.[5] All we have heard about the 'toughness' of the common law and the unshakable devotion of its devotees applies also to Thomas Cromwell. Small wonder that the common law regained much ground during his ministry.

But Cromwell was more than just another common lawyer, and nowhere is this seen more clearly than in his attitude to Parliament. He took an early opportunity to familiarize himself with its workings, sitting in the tumultuous assembly of 1523 which Wolsey found so intractable. Cromwell himself described in a letter how in that Parliament members had talked for sixteen weeks of

> warre pease Stryffe contencyon debatte murmure grudge Riches pouerte penurye trowth falshode Iustyce equyte discayte opprescyon Magnanymyte actyuyte force attempraunce Treason murder Felonye consyli[ation] and also how a commune welth myght be ediffyed,

and how in the end they had done as their predecessors, 'that ys to say, as well as we myght and lefte wher we begann'.[6] It is a little difficult to understand why writer after writer has taken this

[1] Elton, *Tudor Rev.*, p. 136, n. 11.
[2] E.g. *L. & P.*, iii. 2441, 2445, 2557, 2754, 3530.
[3] Elton, *Tudor Rev.*, p. 87.
[4] *D.N.B.*
[5] *L. & P.*, xiii. I. 120. Cf. F. Schulz, 'Bracton on Kingship', *Eng. Hist. Rev.*, lx (1945), 136 ff., for a citation of the relevant passages in Bracton.
[6] *Cromwell's Letters*, i. 313.

amusing note to show contempt for Parliament. Since one cannot wish to accuse so many acute historians of collectively failing in humour,[1] one must suppose that they found in the letter something which they sought. But the long recital of absurdities should have put them on their guard: this is no weighty and pompous judgment, but a man of affairs laughing at himself and his fellows. We might suspect even from this letter that Cromwell was fascinated by the work and potentialities of Parliament.

Six years later, in 1529, he found himself at a crisis in his career and perhaps even in danger of his life. Significantly enough he solved the problem by entering Parliament. That he meant to get in by hook or by crook is plain from the letter in which Ralph Sadler reported the negotiations to him.[2] He may have hoped to hide from his enemies under the cloak of parliamentary immunity, but there is fortunately quite conclusive evidence that he meant to do more. Parliament was to be the means to make him great—the scene and agent of his career. When he was in very low spirits, in October 1529, he wondered what to do; then, shaking off this uncharacteristic mood of indecision, he determined to ride to Court and either 'make or mar'. On his return he told Cavendish 'that he once adventured to put in his foot, where he trusted shortly to be better regarded or [before] all was done': he had got into Parliament.[3] How well he succeeded in his aim it is both unnecessary and here irrelevant to elaborate. By the middle of 1531 rumours of his activity in the House were spreading far and wide,[4] and the lists of matters to be done, letters of contemporaries, many corrected drafts, and entries in the *Lords' Journals* of bills brought by him from the lower house all indicate the hard work put in and the great influence gained. Entering Parliament to make a career, unprecedently active in it,

[1] E.g. Merriman, *op. cit.*, i. 27; H. A. L. Fisher, *Political History of England 1485–1547*, p. 247 ('cynical view'); H. Maynard Smith, *Henry VIII and the Reformation* (1948), p. 49 ('Cromwell no doubt continued to despise parliaments'); A. D. Innes, *Ten Tudor Statesmen* (1906), p. 119; Parker, *op. cit.*, pp. 70 f. (though he qualified his statement).

[2] *L. & P.*, iv, App. 238. For Cromwell's entry into the 1529 Parliament, cf. my *Tudor Rev.*, pp. 77 ff., where the whole question is discussed at length.

[3] G. Cavendish, *Life of Cardinal Wolsey* (Singer's ed., repr. in Morley's Universal Library, 1887), pp. 149 f., 156, 159 f.

[4] *L. & P.*, v. 628.

using it to a degree which was novel and remained unrivalled for a long time, he well deserves the name of England's first parliamentary statesman.

His belief in Parliament appears most clearly in a striking devotion to statute. His papers are full of draft acts, and his memoranda suggest others.[1] The numbers of statutes passed during his ascendancy were prodigious.[2] The first nine sessions of Henry VIII's reign, spread over 22 years,[3] produced 203 acts of which 148 can be called public. Cromwell's eight sessions in eight years resulted in a total of 333, or at least 200 of general importance on which he exercised the influence of a chief minister. This average of about 25 public acts per session was maintained in Henry VIII's last years and under Edward VI, but declined under Mary and Elizabeth to about 20. In the 45 years of Elizabeth's reign only 79 more public acts were passed than in the eight years of Cromwell's ministry. More significant still is the space taken up by the acts, for this reflects the relative importance of legislation. From 1509 to 1531, 416 pages (in the *Statutes of the Realm*) were filled, and of these 135 resulted from the first two sessions of the Reformation Parliament. Cromwell's eight years produced 409 pages, and the consolidation of his work in 1540–7 another 207. Edward's six years can show only 196 pages, Mary's five 152, and the 45 years, 13 sessions, and 444 acts of Elizabeth's reign only 666. The figures demonstrate how much weighty legislation was crowded into Cromwell's years of power. There are obvious reasons for these differences—the demands of the break with Rome, Mary's lengthy repeals, Elizabeth's difficulties with her Parliaments—but they do not detract from the evident liking for statute and the amazing productivity displayed by Cromwell.

There are sufficient signs that Cromwell preferred statute to any other form of law-making, distrusting both the slow operation of judge-made law and the dubious authority of proclamations. He deliberately saw to the inclusion of treason by words in the 1534 Treason Act, although the principle had already earned recognition at common law in the 'constructive' treasons created

[1] E.g. *L. & P.*, vi. 299 (ix. D, xi), 1381 (1); ix. 725 (ii).

[2] All the following facts and figures are derived from *Statutes of the Realm* (1810–28), vols. iii and iv.

[3] 1510, Feb. 1512, Nov. 1512, 1513, Feb. 1515, Nov. 1515, 1523, 1529, 1531.

by judges in the preceding century.[1] In 1535, the Council debated whether the new ordinances for Calais should be enacted by Parliament or by proclamation;[2] Parliament won, and we cannot doubt that in that year, when his power in the Council was at its highest, Cromwell must have spoken a decisive word. The best example of all is provided by the Act of Proclamations, still wrongly regarded as an attempt to supersede statute. The act's chief practical purpose was undoubtedly to create machinery to enforce proclamations.[3] But further, it placed the powers of proclamations on the authority of statute by stating that the king with his Council 'may set forthe at all tymes by auctoritie of this Acte his proclamacions'.[4] The point assumes its full significance when it is compared with Cromwell's known attitude to proclamations. In July 1535, at a time when Parliament was not sitting, it became necessary to prohibit the export of coin, a common administrative measure and the sort of thing for which proclamations were specifically designed. Nevertheless, Cromwell thought it desirable to consult the judges, and a search of the statutes discovered an act of Richard II on which the relevant proclamation could be grounded. In the discussion Cromwell asked what the king could do if 'ther wer no law nor statute made alreadye for any suche purpose'. The lord chief justice replied, quite correctly, that this would not prevent the issue of a proclamation 'of as good effecte as Any law made by parlyament', an opinion which Cromwell was 'veray gladde to here'.[5] It appears then, that Cromwell—far from wishing to supersede statute—did not feel sure whether proclamations were ever effective unless specifically based upon it, and though he was delighted to have his doubts resolved it appears more than probable that the act of 1539 was designed to put the matter beyond question by securing the authority of Parliament for all future proclamations.

[1] Cf. I. D. Thornley, 'The Treason Legislation of Henry VIII', *Trans. R. Hist. Soc.*, 3rd Ser., xi (1917), 87 ff., esp. p. 111.

[2] *L. & P.*, ix. 766.

[3] Cf. E. R. Adair, 'The Statute of Proclamations', *Eng. Hist. Rev.*, xxxii (1917), 34 ff., and my *Tudor Rev.*, pp. 343 f.

[4] 31 Henry VIII c. 8 (*Stat. of the Realm*, iii. 726).

[5] *Cromwell's Letters*, i. 409 f. This letter has been taken to prove that Cromwell wished to use proclamations in order to avoid statutes; it seems to me to prove just about the opposite.

III

This picture of Cromwell as a moderate whose ideas in the last resort derived from his training in the common law and in Parliament, is supported by some evidence of more theoretical views. Twice during his ministry Cromwell was closely associated with the publication of treatises on the State. The lesser instance is Thomas Starkey's *Exhortation to the people instructynge theym to unitie and obedience* (1535), a book which has been identified as the first exposition of the Anglican *via media*.[1] Starkey was promptly criticized for attacking both extremes, for being 'of nother parte but betwyx both indyfferent'.[2] Cromwell thought otherwise: to him the author had to apologize because 'thys mean ys not put out at large wych you requyre'. Starkey acknowledged the fault but doubted his capacity:

> for this mean in al thyng ys a strange stryng, hard to stryke apon & wysely to touch, for by thys the armony of thys hole world ys conteynyd in hys natural course & bewty.

Cromwell, who thought Starkey more of a philosopher than a theologian,[3] may have been more interested in a *via media* in England than in the harmony of the universe, but it is highly significant that he should have insisted on it before the book was written, and that when all men faulted a book for taking its stand in the middle he should have thought the middle position insufficiently stressed. We have already noticed his moderation in practice, which now looks to have been based on a theoretical belief in a 'middle way'. So far from being the violent revolutionary radical of tradition Cromwell now appears as the promoter of a successful compromise—the first exponent and perhaps the maker of that specific compromise on which the Church of England rests.[4]

[1] Zeeveld, 'Thomas Starkey and the Cromwellian Polity', *Journ. of Mod. Hist.*, xv (1943), 177 ff. (repr., with some cuts, in *Foundations*, pp. 128 ff.).

[2] *Starkey's England*, p. lxxi.

[3] *Ibid.*, p. xliii: 'you juge me more to be traynyd in phylosophye than in the trade of scripture'.

[4] On the whole subject cf. Zeeveld's article, above, n. 1. It is interesting to remark that Henry VIII could say about the *Exhortation* only that it was insufficiently drawn from Scripture (*ibid.*, p. 187). This throws

A greater thinker than Starkey was also called upon to support the Henrician Reformation. This was Marsiglio of Padua, the fourteenth-century protagonist of the secular State against the papal claim to *plenitudo potestatis*. Starkey himself derived some of his most striking ideas from Marsiglio.[1] More significant for the present purpose is the publication, in 1535, of a translation of Marsiglio's *Defensor Pacis* by William Marshall. Marshall was one of Cromwell's team of propagandists, and Cromwell advanced him the money for this particular publication, a debt he seems later to have cancelled.[2] He welcomed this ready-made piece of propaganda which he encouraged Starkey to use on Pole and Marshall on the recalcitrant Carthusians, in neither case with any success.[3] In other words, he sponsored the book, and it is a reasonable conclusion that he read it. The immediate usefulness of a work which attacked the papal position on the ground that 'in . . . regno unico esse oportet unicum tantummodo principatum'[4] needs no underlining; but it is worth recalling that one of the sentiments ascribed to Cromwell by Pole concerned the monstrosity of two heads in one realm.[5] Pole never mentions Marsiglio, a fact which suggests that he may have been unconscious of the source of the saying and really for once quoting Cromwell correctly. Another tenuous link is provided by Cromwell's enquiry after Aristotle's views on the State; it is at least not impossible that this question should have been suggested to him by a study of Marsiglio, 'un aristotélicien positiviste.'[6]

Certainly there are some points to suggest that Marsiglio directly influenced Cromwell's thought. Marsiglio held that the

much light on the king's indifference to 'philosophy' and preference for theology—which again indicates where we must look for the leadership in the political revolution.

[1] Baumer, 'Thomas Starkey and Marsiglio of Padua', *Politica*, ii (1936), 188 ff. Mr. Baumer displays much wonderment at Starkey's courage and revolutionary wisdom in putting forward constitutionalist notions 'at a time when Tudor despotism was at its peak'. The truth is that no one at the time put forward absolutist theories: constitutionalism was the thing.

[2] *L. & P.*, vii. 422–3; xi. 1355.

[3] *Ibid.*, viii. 1156; ix. 523.

[4] *Defensor Pacis* (ed. C. W. Previté-Orton, Cambridge, 1928), I. 17. 1.

[5] 'Apologia', p. 121.

[6] G. de Lagarde, *La Naissance de l'esprit laique au declin du moyen âge*, ii. 155. On this point cf. also Previté-Orton's ed. of the *Defensor Pacis*, p. xiv.

State is autonomous and the Church subject to it; it has rightly been pointed out that the nearest realization of his views was achieved in the established Protestant Churches—that is, in Cromwell's Anglican Church.[1] Marsiglio, declaring the divine law irrelevant and ignoring the law of nature, held that only the positive law of the realm matters in human affairs;[2] we recall Cromwell's casual dismissal of the law of God in his letter to Fisher. On the positive law Marsiglio has much to say; his most lucid definition of it is 'regula . . . praeceptiva et transgressorum coactiva',[3] a view to which Cromwell, the maker of much penal legislation and the believer in statute, gave frequent practical expression. Marsiglio saw the essence of the State in its legislative activity, so that more than any other pre-Reformation thinker he approached the full modern notion of sovereignty;[4] as we shall see, legislative sovereignty was at the heart of Cromwell's thought. Though perfect proof is necessarily lacking, it does not seem too much to claim that as far as Cromwell was a theorist he was a conscious follower of Marsiglio.

As a practical statesman, however, Cromwell would have had to admit that Marsiglio's teaching, derived from observation of an Italian city-state, could not simply be applied to the kingdom of England. In this connection Marshall's translation deserves attention. The translator made some omissions and additions which, since he published under Cromwell's patronage, may safely be taken as consonant with Cromwell's views. For his omissions he has had much blame and scorn.[5] It is true that he transformed Marsiglio's preference for an elective monarchy into praise of one based on inheritance, that he omitted his author's insistence on the powers of the community to control and correct the ruler, and that he toned down Marsiglio's ascription of all ecclesiastical authority to the *legislator humanus*. But these changes were all demanded by the English conditions for which he wrote. That Marshall had no intention of doctoring Marsiglio's

[1] Ewart Lewis, *Medieval Political Ideas* (1954), p. 543.

[2] Lagarde, *op. cit.*, ii. 167 f.

[3] *Defensor Pacis*, II. 8. 5.

[4] Lewis, *op. cit.*, p. 256. Lagarde (*op. cit.*, ii. 265) argues that Marsiglio came nearer a theory of sovereignty than Mrs. Lewis will admit.

[5] P. Janelle, *L'Angleterre catholique à la veille du schism* (1935), pp. 252 ff.; Hughes, *op. cit.*, i. 332. The omissions are listed in Previté-Orton's edition of the *Defensor Pacis*, p. xl.

thought for the benefit of despotic theories is evident from the striking way in which his explanatory notes insist on bringing in Parliament. Marsiglio, the Italian, stressed the practice of the commune where the whole body of citizens, or at least its greater part (in quantity or quality), made the laws, a repetition of the impossible (for England) that drove Marshall to distraction. The notes abound: 'He meaneth here of those lawes which do passe by acte of parlyament'; 'In all this longe tale he speaketh not of the rascall multytude but of the parlyament'; 'where soeuer he speketh of such multytude he meneth when it is assembled in y^{e} perlyamente, remembre this to auoyde captyousness'.[1] He inserted Parliament in the text in a manner highly reprehensible in a translator, but also highly significant in one of Cromwell's propagandists.[2] The book confirms that Cromwell's mind was concentrating on the law-making power of Parliament, seeing here the essential core of the State demanded by Marsiglio.

Cromwell, then, was a common lawyer and parliamentarian who believed in moderation and the middle way, trusted in statute, and is likely to have learned from Marsiglio certain theoretical views on the character of the independent State and the nature of legislative supremacy within it. These last two points underlie the acts of Parliament in which the reconstruction of the English State was embodied.

IV

It is because the preambles of the Reformation statutes were propaganda that they offer a clue to the political doctrines held by the government. That the acts exemplify Cromwell's policy and thought is patent from his work on them; especially is this true of the fundamental statute, the Act in Restraint of Appeals to Rome, which contained the clearest piece of political theory.[3] At the same time, there are fewer such theoretical pronounce-

[1] *The Defence of Peace* (1535), fos. 27v, 28v, 35.

[2] E.g. in the fourth conclusion (*ibid.*, fo. 138): the only law-maker is 'the prynce or his parlyament, or (where it is so vsed) hole vnyuersyte and congregacyon of Cytezens'—a paraphrase rather than a translation of the text. Also in I. 12. 5 (fo. 28) where 'valentiorem partem' is rendered as 'y^{e} bygger parte of them assembled in the parlyament'.

[3] Cf. Elton, 'Evolution of a Reformation Statute', *Eng. Hist. Rev.*, lxiv (1949), esp. 196 f.

ments than one could have wished; to the last, Cromwell's mind remains half-hidden behind the deeds to which it gave birth.

The proper starting-point is the preamble to the Act of Appeals.

> Where by dyvers sundrie old autentike histories and cronicles it is manifestly declared and expressed that this Realm of Englond is an Impire . . . governed by oon Supreme heede and King having the Dignitie and Roiall Estate of the Imperiall Crowne of the same, unto whome a Body politike compacte of all sortes and degrees of people, devided in termes and by names of Spiritualtie and Temporaltie, ben bounden and owen to bere nexte to God a naturall and humble obedience.[1]

These few words summarize the essence of the revolution. England, the act asserts, is a sovereign state, a political unit within which one authority only has the right to rule. The term used is 'empire' which here means simply national sovereignty: the king of England is an emperor, rules an empire, and wears an imperial crown because he has no superior on earth. The concept had a respectable and not unfamiliar history behind it. As early as 1208 the English canonist Alan stated that every prince owning no superior has as much power in his realm 'quantum imperator in imperio'.[2] Later, in the fourteenth century, French lawyers developed these gropings into the principle that 'rex superiorem non recognoscens est imperator in regno suo'. Cromwell may well have been familiar with this dictum, as Henry himself seems to have been when he said in 1515 that kings of England had never recognized any superiors on earth.[3] But in two ways the idea was here given a novel interpretation. While kings had called themselves emperors before, the Act of Appeals spoke of a sovereign territorial State, not only of a ruler with no superior. This change of a personal claim into a significant concept of political doctrine can, with some confidence, be ascribed to Cromwell, for the first mention of the term empire occurs in his corrections of the first draft of the 'Supplication against the

[1] 24 Henry VIII c. 12 (*Stat. of the Realm*, iii. 427).

[2] Cited Schulz, *op. cit.*, p. 150, n. 8. The whole problem is well summarized in Lewis, *op. cit.*, pp. 430 ff.

[3] Cf. J. Gairdner, *Lollardy and the Reformation* (1908), i. 283.

Ordinaries', made in 1529, before he was even in the king's service.[1] Secondly, the notion of empire existing in all free monarchies had been developed against the claims of the Holy Roman Emperor; it had never been used to justify denial of the papal headship in the Church and the total subjection of matters spiritual to the lay ruler. Never before had the self-contained sovereignty of the national State been so fully realized or so bluntly stated.

Thus the basis of Cromwell's thought was a firm grasp of the principle of national sovereignty. He was clear, too, about the nature of the State so set apart. It was to be an organic unit consisting of the ruler and the body of subjects, both related to and dependent on each other. The apparent dualism of clergy and laity did not represent (as Mr. Baumer has argued)[2] a revival of Gelasian doctrine; it simply reflects the particular preoccupations of an act concerned with the administration of law, which had to take cognizance of the double system of law and courts actually in operation in the realm. This would have been clearer if motives of policy had not urged the government to abandon some rather extravagant theoretical claims: almost to the last, the act meant to allege that all jurisdiction, both lay and clerical, proceeded from the imperial crown of the realm, a claim which opposition from the Church forced out of the statute.[3] The unitary character of Cromwell's 'empire' was not affected by the existence of the church courts with their canon law, any more than it was affected by the existence of other courts administering another law, such as Chancery with its equity.

However, this might suggest that the Cromwellian State was seen as a despotism centred in the 'Supreme heede and King'. In order to understand Cromwell's mind on this we must turn to the question of law. That Cromwell saw the essence of a state in its law is shown by the Act of Dispensations (1534) which implies such a legal criterion in the definition of a political organization when it states that England, 'recognysyng noo superior under God but only your Grace', is free from subjection to any

[1] P.R.O., State Papers Henry VIII, vol. 50, fo. 203. For the date cf. my article 'The Commons' Supplication against the Ordinaries', *Eng. Hist. Rev.*, lxvi (1951), 507 ff.

[2] *Op. cit.*, pp. 28 f.

[3] Cf. my article in *Eng. Hist. Rev.*, 1949, esp. pp. 184, 192. All the drafts, down to and including A and D, contained the claim, which was only abandoned after the conference on 5 Feb. 1533.

laws except such 'as have bene devysed made and ordyned within this Realme'.[1] It makes an exception for laws introduced from abroad which have received the consent of the people and the sufferance of the crown, but of course the condition renders such foreign laws equivalent to native ones. By simply ignoring them, this view removes all those laws other than human—the law of God, the law of nature—of which both philosophy and jurisprudence were so fond, an interpretation expressly stressed in the Act for the Punishment of Heresy (1534) in which canonical sanctions are declared insufficient because they

> be but humayne, being mere repugnaunte and contrarious to the prerogatyve of your ymperyall Crowne regal jurisdiccion lawes statutes and ordynaunces of this your Realme.[2]

The summary disposal of canon law as merely human can be linked with Cromwell not only because (as we have seen) he expressed similar views elsewhere, but also because the same denunciation of it as repugnant to the laws of the realm occurs in the draft of the 'Supplication' which he prepared for the 1532 session of Parliament.[3] His test for the validity of a law was thus not some extra-human body of rules, but the positive law of the realm, which means that he grasped the importance of legislative sovereignty within the sovereign State. A thoroughly Marsilian position, but it is likely that the views of a practising lawyer and statesman, concerned with this world only, simply found agreeable confirmation in the *Defensor Pacis*.

We now come to the crux of the matter: where, in Cromwell's view, lay the authority behind the positive law of the realm? Free enough though he was with deferential remarks about the imperial crown, it was not in a despotic king that he saw the lawgiver. Once more we refer to the Dispensations Act:

> In all and everey suche lawes humayne made within this Realme . . . your Royall Majestie and your Lordes Spirituall and temporall and Commons, representyng the holle state of your Realme in this your most high Courte of Parliament, have full power and auctoritie . . . the seid lawes . . . to abrogate adnull amplyfie or dymynyshe . . .

[1] 25 Henry VIII c. 21 (*Stat. of the Realm*, iii. 464).
[2] 25 Henry VIII c. 14 (*ibid.*, 454).
[3] P.R.O., State Papers Henry VIII, vol. 50, fo. 194.

The legislative supremacy lies in the High Court of Parliament; it is exercised by king, lords, and commons, and therefore expresses itself in statute. This is precisely the doctrine which Cromwell's practice would lead one to expect, but it is gratifying to have it explicitly stated. The doctrine here expressed involves (in legal terms) the supremacy and omnicompetence of statute, or (in terms of political philosophy) the existence of constitutional or limited monarchy. There can be no talk of despotism while the highest expression of the State's activity is seen as the work of an assembly joining together the Head and the Body Politic of which the Empire of England is comprised. It was only after Cromwell had taught him this lesson that Henry could make his famous pronouncement of 1543, to the effect that 'we at no time stand so highly in our estate royal as in the time of Parliament' in which the king as head and the nation as members 'are conjoint and knit together'.[1]

As Cromwell freed the notion of empire from the encumbrances of the past and gave it full practical expression, so he freed statute from the limitations which had clung to it. That statute was the highest form of law-making in the realm had long been recognized. But so far all doctrine asserted the existence of a higher law with which statute must be consonant. Fortescue had seen this higher law in the law of nature: he held that statute could be unjust and would then be properly disregarded.[2] Even on the eve of the Reformation, St. Germain, who ascribed overriding powers to statute, demanded that it should conform with the laws of God and of reason.[3] Though the judges of the fifteenth century admitted that statute could defeat canon law, they carefully excluded the field of *spiritualia*: statute could not make the king a parson, give laymen the rights of spiritual jurisdiction, or usurp the powers of the supreme head of the Church (that is, the pope).[4] Thus statute was not thought of as omnicompetent before the Reformation, simply because no human law was conceived of as possessing that quality. When the acts of the 1530's

[1] J. R. Tanner, *Tudor Constitutional Documents*, p. 582.

[2] Cf. S. B. Chrimes, *English Constitutional Ideas in the XV Century* (1936), pp. 201 ff.; E. F. Jacob, 'Sir John Fortescue and the Law of Nature', *Essays in the Conciliar Epoch* (1943), pp. 106 ff. (esp. p. 119).

[3] Chrimes, *op. cit.*, pp. 209 ff.

[4] *Ibid.*, p. 286.

invaded the prohibited field of *spiritualia* (though statute did not in fact create but merely accepted the royal supremacy), they asserted the nullity of all those limitations. In the works of theorists, especially in Hooker, the law of nature was to stage a come-back, but some men grasped the point which Cromwell had made: as Burghley said, there was nothing that an act of Parliament could not do in England.[1] Thomas More showed that he understood the issue perfectly:

> As this Inditement is grounded vpon an Acte of Parliament directly repugnant to the lawes of God and his holye Churche, the supreme Gouernment of which ... may no temporall Prince presume by any lawe to take vpon him ... it is therefore in lawe, amongest christen men, insufficient to charge any christian man.[2]

With the precision to be expected of a man of his stamp, he put his finger on the point that mattered; but his death demonstrated that in upholding a doctrine which certainly had age to recommend it he was wrong—wrong in law. However, his words will serve to remind us that the break with Rome and the emancipation of statute, which between them made up Cromwell's creation of true political and legislative sovereignty, did mark a break with the past that was revolutionary.

Thus, the sovereign nation state erected by Thomas Cromwell rested on the legislative supremacy of the king in Parliament, all imperfections and reservations disappearing as later developments subjected the Church, too, to that body instead of a personal royal supremacy. I suspect, though I cannot prove it, that Cromwell foresaw this change which the inevitable calling-in of Parliament was sure to bring about, but this whole question of the Henrician Church—vitally important though it is and often (as it seems to me) misinterpreted—cannot be discussed here. We merely wished to discover Cromwell's political ideas. We have seen that he had no intention of building a despotism. What he envisaged was the modern mixed sovereign, the king in Parliament, created by the deliberate infusion of the modern principle of sovereignty into those two great achievements of the middle

[1] Quoted Holdsworth, *op. cit.*, iv. 186, n. 2.

[2] N. Harpsfield, *Life and Death of Sir Thomas Moore* (ed. E. V. Hitchcock and R. W. Chambers, E.E.T.S., 1932), p. 193.

ages—the assembly of king, lords and commons, and the common law of the realm. So far from attacking either, Cromwell gave greater authority to both by destroying the rivals who had limited them. Cold-blooded and ruthless though he was, he was also a constitutionalist who realized the potentialities of common law and parliament, and who elaborated and employed the equipment of constitutional monarchy. There was no nemesis in the victorious struggle of the commons in the seventeenth century, but only the lamentable failure of later statesmen and king's ministers to preserve the harmony between king and Parliament —natural or contrived—which Cromwell had made the basis of England's State and government.

THE GORDON RIOTS: A STUDY OF THE RIOTERS AND THEIR VICTIMS

The Alexander Prize Essay

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THE Gordon Riots made a profound impression on contemporaries. They took place at a time of acute political crisis, at the most dangerous moment of the American war, when the country, after numerous defeats and counter-alliances, found itself virtually isolated. At their height, on the night of 7 June 1780, London appeared to onlookers to be a sea of flames. 'I remember', wrote Horace Walpole on the 8th, 'the Excise and the Gin Act and the rebels at Derby and Wilkes' interlude and the French at Plymouth, or I should have a very bad memory; but I never till last night saw London and Southwark in flames!'[1] Sébastien Mercier, in his *Tableau de Paris*, wrote nine years before the attack on the Bastille that such 'terrors and alarms' as were spread by Lord George Gordon in London would be inconceivable in a city as well-policed as Paris.[2]

It is perhaps not surprising that later writers should have felt something of the awe and fascination which the riots aroused in those who witnessed them. Dickens gave a vivid, though romanticized, account in *Barnaby Rudge*, and the origins and significance of the riots have become a favourite theme of historical speculation. Historians have, of course, not failed to point to their important political implications: to the unexpected strengthening of Lord North's administration which followed;[3] to the sharp divisions which they brought out between the government and the City of London on the bearing of arms; to the

[1] *The Letters of Horace Walpole, Earl of Orford*, ed. P. Cunningham (9 vols., 1891), vii. 388.

[2] L. S. Mercier, *Tableau de Paris* (12 vols., Amsterdam, 1783), vi. 22–5.

[3] Ian R. Christie, 'The Marquis of Rockingham and Lord North's offer of a Coalition, June–July 1780', *Eng. Hist. Rev.*, lxix. 388–407.

particular anxieties of the Roman Catholic community;[1] and, perhaps most important of all, to the permanent strengthening of the executive by the powerful arguments which they provided in favour of a professional police force. These and other aspects have been treated at length by Mr. Paul de Castro in his book on the Gordon Riots written nearly thirty years ago.[2] But neither Mr. de Castro nor any other historian has attempted to portray the rioters themselves, beyond dismissing them as a nameless 'mob', nor even to look closely at any but the more prominent of their victims.

In the present study an attempt is made to begin to bridge this gap by drawing, in the main, on new materials—on judicial and financial records relating to the riots in the Public Record Office, the Record Offices of the Corporation of London, of the London County Council and of the Counties of Middlesex and Surrey, and in the archives of the Westminster, Holborn and Guildhall Libraries;[3] on the Papist returns ordered by Parliament in 1767 and 1780;[4] and by an extensive use of the Proceedings of the Old Bailey and of the Special Commission set up to judge rioters in Southwark.[5] With their aid it is hoped not only to identify the rioters and their victims, but to throw a fresh light on the pattern of the riots and on the motives that prompted their participants.

The outline of events need here be only briefly given.[6] It was on Friday, 2 June 1780, that a huge concourse of some 60,000 persons gathered at the summons of the Protestant Association in St. George's Fields, Southwark, to present a monster petition to

[1] See E. H. Burton, *The Life and Times of Bishop Challoner, 1691–1791* (2 vols., 1909).

[2] J. P. de Castro, *The Gordon Riots* (Oxford, 1926).

[3] Use has also been made of Land Tax and Poor Rate registers in the Bethnal Green, Islington, Shoreditch and Stepney Libraries (see p. 110, n. 1 below).

[4] House of Lords R.O., Returns of Papists for 1767 and 1780; Catholic Record Society, Papist Return for 1780 (St. Andrew, Holborn).

[5] *The whole Proceedings on the King's Commission of the Peace, Oyer and Terminer and Goal Delivery for the City of London and . . . for the County of Middlesex*, ed. J. Gurney (1780), pp. 358–640 (hereafter cited as *Proceedings* (London) ; and (bound in the same volume) *The Proceedings on the King's Special Commission of Oyer and Terminer for the County of Surrey*, ed. J. Gurney (1780), pp. 1–168 (hereafter cited as *Proceedings* (Surrey)).

[6] I have generally followed de Castro's account (*op. cit.*, pp. 28–167), except where indicated in the footnotes.

Parliament, calling for the repeal of the partial measures of Roman Catholic relief enacted in 1778.[1] After listening to a harangue by Lord George Gordon, the Association's president, the demonstrators marched in four contingents to Palace Yard, where they reassembled between half-past two and three in the afternoon. It was noted by a bystander that the marchers were composed of 'the better sort of tradesmen; they were all well-dressed decent sort of people';[2] though earlier it had been reported that the journeymen weavers of Spitalfields were mustering.[3] While Lord George was presenting his petition to the Commons, violent scenes were taking place outside: to shouts of 'No Popery!' members of both Houses—but particularly of the Lords—were hustled and buffeted and several only escaped severe injury by ignominious retreat or by the intervention of the Guards. The anger of the crowds was raised to a higher pitch by the periodic appearance of Lord George Gordon at the top of the gallery stairs, announcing that consideration of the Petition was to be postponed and naming members who had expressed hostility to their cause. After hours of uproar, the Guards were able to clear a way for the imprisoned members; at eleven o'clock the Commons adjourned until the following Tuesday and parts of the crowds dispersed.

At this point, a section of the demonstrators moved off towards the private chapel of the Sardinian ambassador in Duke Street, Lincoln's Inn Fields; another to the chapel attached to the Bavarian Embassy in Warwick Street, St. James's. The first, known to be frequented by English Catholic gentry, was burned to the ground;[4] both were plundered and ransacked and their contents burned in the street. Fourteen persons were arrested, of whom five were later committed to Newgate.

[1] The main provisions of the Catholic Relief Act of 1778 were to repeal those portions of an Act of 1699–1700 which condemned Papists keeping schools to perpetual imprisonment and which disabled Papists from inheriting or purchasing land (W. E. H. Lecky, *A History of England in the Eighteenth Century* (7 vols., 1906), iv. 307).

[2] Howell's *State Trials*, xxi. 578.

[3] *Ibid.*, xxi. 572

[4] Most frequently, during these riots, buildings marked for destruction were pulled down and their movable contents burned in the street. This both made it difficult for the victim to claim insurance money and avoided damage to neighbouring houses. We shall see, however, that there were some notable exceptions to this rule.

The next evening, crowds gathered in Ropemakers' Alley, Moorfields, where there were known to be a Roman mass-house and the houses of a number of prosperous Catholics. At first, they were dissuaded or dispersed by the constables; but the next night and the day following, doubtless encouraged by the supineness of the Lord Mayor, Brackley Kennett,[1] and the reluctance of the constables to intervene,[2] they pulled down the Roman chapel, destroyed the personal property of the priest, Mr. Dillon, and of four of his lodgers, and damaged a number of neighbouring houses, not all of them occupied by Roman Catholics.[3] The same day, the houses of Messrs. Maberley and Rainforth, two justices who had played a part in the arrest of prisoners, were pulled down in Westminster; Sir George Savile, the promoter of the Catholic Relief Bill, was threatened. An expedition was made to Virginia Street, by Wapping, where, in spite of the efforts of the local Irish to rally in support of their priest, Dr. Copps, the mass-house was destroyed and neighbouring Catholic dwelling-houses were attacked. In adjoining Spitalfields rioters damaged the houses of a number of Catholic brokers and manufacturers.

Parliament reassembled on Tuesday, 6 June, at three o'clock; but crowds had once more gathered at its approaches wearing blue cockades and shouting slogans; it was decided to adjourn until Thursday morning. At about five o'clock, Justice Hyde attempted to overawe the demonstrators by reading the Riot Act and ordering the Horse to disperse them; whereupon James Jackson, a watch-wheel cutter, is said to have hoisted a black and red flag and shouted: 'Hyde's house a-hoy!'[4] The crowds followed him to St. Martin's Street, Leicester Fields, where Hyde's town-

[1] De Castro's contention that, at this stage of the riots, the City magistrates acted with extreme reluctance—both through fear of reprisals and lack of conviction—is well supported by the State Papers.

[2] The Minutes of the Court of Aldermen give more than one instance of the unwillingness of City constables to protect Roman Catholic property: one such case was that of John Bradley, marshalman, who was suspended by the Court for refusing to 'protect any such Popish rascals' (*Repertory of the Court of Aldermen*, no. 184 (1779–80), p. 209).

[3] A list of 'Catholic Houses attacked during the Gordon Riots' is given in the Westminster Diocesan Archives, vol. xli (1758–1781), fo. 227. Further names of Catholic victims are indicated in one of the two registers of claimants for damages drawn up by the Board of Works (P.R.O., Works 6, no. 111).

[4] *Proceedings* (London), pp. 615–20.

house lay. By six o'clock the work of destruction had begun and the cry went up 'To Newgate!'[1] While the mass of the rioters made off, through Long Acre and Holborn, to Newgate Gaol, where the prisoners of 2 June were lodged, another party destroyed the Police Office of Sir John Fielding, who had committed them. Preceded by thirty men, armed with bludgeons, crowbars and chisels, the main column arrived at the Old Bailey shortly before eight o'clock. Having fired the house of the keeper, Mr. Akerman, they wrenched open the prison gates, released all prisoners and set fire to the buildings.[2] The same night, an assault was made on the Clerkenwell Bridewell and New Prison; here, too, prisoners were set free.

The next point of attack was Lord Mansfield's house in Bloomsbury Square. Lord Mansfield had earned the particular hostility of the rioters both as Lord Chief Justice and as a warm advocate of the Catholic Relief Act; in fact, it was even claimed that, in order to direct the rioters to his house, the rumour was spread 'that he had advised the Dragoons to ride over the Protestants, that he was a Roman Catholic and that he had made the King one'.[3] An orgy of looting and destruction followed; Lord Mansfield's residence and his library of precious books and manuscripts were gutted or pulled to pieces; firemen, called to the scene, were forced to stand idly by. It was here that the military fired for the first time and, when the crowds dispersed at daybreak, they left several dead behind them.

During the day, two Catholic school-houses had been destroyed in Bloomsbury and Soho; that night, the house of David Miles, a constable who had been active in apprehending rioters, was ransacked in King Street, Golden Square.

The next day ('Black Wednesday', Walpole called it),[4] the riots reached their climax. Destruction was widespread: in Westminster, the City and the Middlesex 'out-parishes', houses, shops and offices occupied by Catholic merchants, businessmen, shopkeepers and justices were attacked and pulled down or damaged;

[1] *Ibid.* Hyde's country-house in Islington was destroyed the next day (S. Lewis, *History and Topography of St. Mary, Islington* (2 vols., 1842), i. 164).

[2] *Proceedings* (London), pp. 442–52, 570–83.

[3] P.R.O., State Papers 37, no. 20, fo. 219.

[4] *Letters*, vii. 394.

public houses were destroyed in Golden Lane and Whitechapel. But, that evening, the main centre of disturbance was to lie to the west and south of the City. At about six o'clock, a band of rioters arrived at the premises of Thomas Langdale, a wealthy Roman Catholic distiller, who occupied two great blocks of buildings between Holborn and Field Lane. It was said 'that there was a Roman chapel in the house'[1]; and, whether it was due to this or to the attraction of the vast quantities of gin (estimated at 120,000 gallons and valued at £38,000)[2] stored in their cellars, the two distilleries were eventually broken into and fired. The consequences were appalling: the vats ignited and the fire spread to adjoining buildings. While men, women and children sought to rescue or lap up the flaming liquor,[3] 21 neighbouring houses caught fire[4] and it seemed to onlookers that the whole City was ablaze.[5]

More was to come. The Fleet Prison, a few hundred yards away, was attacked, the dwelling-house of the keeper fired and the prisoners were released. Marchers crossed the river to St. George's Fields and joined local rioters in setting fire to the King's Bench Prison, the New Gaol, Southwark and the Surrey House of Correction; the Marshalsea—a debtors' prison—was attacked and its inmates turned loose. In East Lane, Bermondsey, a Roman mass-house was destroyed and neighbouring Catholic houses damaged or pulled down. Blackfriars Bridge was taken by storm, the halfpence removed from its tills and the toll-houses set ablaze. As a climax, an attempt was made to capture the Bank of England; but by this time the City wards had begun to organize themselves for defence, and the London Military Association—in whose ranks Alderman Wilkes played a distinguished part—and regular troops made a stand at the Royal Exchange and repulsed the rioters with heavy casualties.

The next day, the riots continued in Southwark and Ber-

[1] *Proceedings* (London), pp. 516–19.

[2] Works 6, no. 110.

[3] Referring to this incident, Walpole wrote: 'As yet there are more persons killed by drinking than by ball or bayonet' (*Letters*, vii. 392).

[4] These figures, higher than those given by de Castro, are from the claim for compensation made by the Hand-in-Hand Fire Office, Works 6, no. 111).

[5] Langdale received a total compensation in February 1782 of £18,974 ('Riots 1780', Corp. Lond. R.O., CR 13A).

mondsey; the public houses and dwellings of Roman Catholics and others were attacked in a dozen streets. A Catholic pastry-cook's shop was destroyed in the City; in Bishopsgate and Holborn, men were arrested for soliciting with threats. Fifty persons were arrested in the ruins of Newgate.[1] There were bloody skirmishes in Fleet Street and St. George's Fields. But the riots were all but over. The military, by now numbering more than 10,000 men,[2] were in full possession of the streets. On the 9th, Lord George Gordon was escorted to the Tower from his house in Welbeck Street. Nothing remained but the judicial reckoning.

Of more than 450 persons arrested in the Gordon Riots, 160 appeared for trial at the Old Bailey, before a Special Commission in Southwark and at the Surrey Assizes at Guildford.[3] Of these, 62 were sentenced to death (25 being eventually hanged), 12 were sentenced to terms of imprisonment ranging from one month to five years and one to be 'privately whipped'; 85 were found not guilty and discharged. Gordon himself—the most notable participant, if not the prime mover, in the affair—came up for trial for high treason before the King's Bench on 5 February 1781, and was acquitted after a remarkable defence by his counsel, Thomas Erskine.[4]

The toll taken by the military was considerably greater: 210 persons were killed outright, 75 died in hospital and 173 others were treated for wounds.[5] The damage to property was

[1] 'Papers concerning the riots in 1780', Corp. Lond. R.O., Alchin Papers, Box H, no. 77.

[2] De Castro, *op. cit.*, p. 263.

[3] 107 of these were tried at the Old Bailey Sessions of June–July, September and December 1780, 50 in Southwark in June–July and 3 at Guildford in August. These and the figures for arrested persons, substantially in excess of those cited by de Castro (*op. cit.*, p. 208), are based on a detailed examination of the Sessions Minute Books (1779–80), Sessions Files: index to persons indicted (1750–92), and Sessions Papers (June–July 1780) in the Corporation of London R.O.; of the Sessions Rolls (nos. 3389–90, June 1780), Calendar of Indictments (1770–85), and Commitment Books (1748–9 and 1771–80) in the Middlesex R.O.; of the Sessions Bundles (1780) in the Surrey R.O.; and of P.R.O., Assizes 35/220 (Indictments Surrey. Summer Assizes, 20 George III 1780). I have found no record of any commitments or indictments connected with the Gordon Riots in Kent, Essex or Hertfordshire (Assizes 35/220).

[4] *State Trials*, xxi. 587–621, 647.

[5] *Annual Register*, xxiii. 262. On 9 June, 36 wounded were brought to St. Bartholomew's, where 8 died (press reports, quoted by de Castro, *op. cit.*,

unexpectedly small after a full week of rioting and the sensational blaze of the night of 7 June: in the City of London and the County of Middlesex, 81 persons were eventually paid varying sums of compensation for damage to private property, amounting in all to £63,269 6*s.* 1*d.*;[1] in Surrey, an additional 29 persons filed claims amounting to a little over £7,000. But, of these numerous claimants and recipients, only 47 claimed or received sums of £200 or more; and only 32 private houses were actually destroyed or substantially damaged.[2] The damage to public buildings (including Newgate Gaol, but—mysteriously—excluding the King's Bench Prison) was assessed at a little over £30,000.[3]

It is hardly surprising that such a colourful event as the Gordon Riots should have given rise to a rich crop of rumours of plots and conspiracies, of which the major part seem quite fantastic in retrospect and need not therefore be taken too seriously. Among the more plausible, fostered by some supporters of the Opposition, was that the Government had allowed the riots to develop as a pretext for calling in the Army and imposing Martial Law;[4] this explanation found some credence in France also, if we are to trust the evidence of the Parisian bookseller and diarist, Sébastien Hardy.[5] It is true enough that only the Government gained any advantage from their outcome: the riots deepened the division within the Opposition[6] and Lord North's administration received two years' lease of life. Yet, were there any substance in the

p. 189). On 7–9 June, 7 persons 'with gun shot wounds' were admitted to the Middlesex, where 3 died (Middlesex Hospital, Apothecary's Book, 1777–82, p. 186). At Guy's, 2 died after receiving burns at the King's Bench (Guy's Hospital, Death Book, 1757–1804). No such records exist or survive for St. Thomas's, the London and Westminster Hospitals.

[1] 'Riots 1780', Corp. Lond. R.O., CR. 13A; 'The Gordon Riots' (account book), Middlesex R.O.

[2] Among houses 'destroyed or substantially damaged' I have included only those in respect of which £200 or more damages were claimed and, in the case of houses rented at less than £20 a year, those in respect of which claims were made for sums equal to or exceeding 10 times the annual rent. For sources for rents, see p. 110, n. 1.

[3] Works 6, nos. 110–11.

[4] See, e.g., *The Letters of Horace Walpole*, vii. 408.

[5] S. Hardy, *Mes Loisirs, ou Journal des événements tels qu'ils parviennent à ma connoissance* (Bibliothèque Nationale, MSS. français, nos. 6680–87), iv. 303.

[6] Ian R. Christie, *loc. cit.*

report, the rioters were presumably unaware of it, as they showed no inclination to distinguish between the administration and its opponents; not only were the houses of Opposition leaders like Burke, Dunning, Lord Rockingham and Sir George Savile directly threatened, but equally those of the archbishops of York and Canterbury and of Lords North, Stormont, and the Earl of Sandwich—not to mention that of Lord Mansfield.[1]

The case for the complicity of certain members of the Opposition might seem better founded: John Wilkes still had the reputation of being a dangerous Radical; Lord Shelburne demanded the repeal of the Quebec Act, which granted freedom of worship to Roman Catholics in Canada, on the day following the presentation of the Protestant Petition;[2] and the Court of Common Council of the City of London, two days before the riots, supported the Protestant Association's demand that the Catholic Relief Act be repealed,[3] and decided to present a petition to Parliament for this purpose on 7 June, at the very height of the disturbances.[4] The Government certainly did not hesitate to spread this rumour and even found some credence for it at the courts of the kings of France and Spain by means of an agent employed at the Hague.[5] Yet it had little substance: Rockingham and Portland, at least, zealously supported the administration in quelling the riots,[6] and John Wilkes, although tardily, played an active part in shooting and driving out rioters from the City.[7]

Even more colourful were the stories of French and American agents slipping across the Channel, distributing gold and instigating disturbances as a prelude to causing chaos in the City and falling upon Admiral Geary's fleet. According to one version, at least, this plot was to be carried out in London by Roman Catholics acting on behalf of the French government.[8] Fantastic as such suggestions may appear, they had their influence on the defensive measures of the administration, and the orders to guard

[1] S.P. 37, no. 20, fos. 81, 97–8, 111, 113–14, 127.
[2] Christie, *loc. cit.*
[3] De Castro, *op. cit.*, pp. 26–7.
[4] 'Proceedings of the Common Council' (7 June 1780), Corp. Lond. R.O., Box 18, no. 32.
[5] F. P. Renaut, *L'Affaire Montagu Fox, 1780–1781* (Paris, 1937).
[6] Christie, *loc. cit.*
[7] De Castro, *op. cit.*, pp. 142, 192–3, 232.
[8] S.P. 37, no. 20, fos. 172–3, 278–9, 280–1.

the New River and the water works by London Bridge were given in direct response to such communications.[1]

There is more substance, of course, in the suggestion that the riots were deliberately fostered by the Protestant Association and, in particular, by its President, Lord George Gordon, either to serve the immediate purpose of securing the repeal of the Catholic Relief Act or to overthrow the administration. A detailed examination of this charge would be beyond the scope of the present paper; but it is incontrovertible that the riots sprang directly from the agitation carried on over many months by the Association and, more particularly, from the vast assembly in St. George's Fields and the march to Parliament on 2 June. The immoderate language used, on more than one occasion, by Lord George Gordon suggests, to say the least, that its leaders did not scruple to stir up violent feelings against the Roman Catholic minority to achieve their ends. Theirs, too, were the banners, blue cockades and slogans that were a feature both of the procession to Palace Yard and of the riots that followed. And yet Lord George Gordon was acquitted of the charge of high treason, and the case against the Association's secretary, James Fisher, was dropped—precisely because it was not possible to prove beyond reasonable doubt that Gordon or the Association had deliberately planned or intended the disturbances that followed from their speeches, manifestos and activities. Thomas Erskine, Gordon's defence counsel, was also able to make the telling point that not a single one of the 44,000 signatories of the Petition had, in the course of the riots, been 'convicted, tried, or even apprehended on suspicion'.[2]

In fact, there emerges neither from Gordon's trial nor from any other source the proof of such a co-ordinated plan of action as imagined by Dickens in *Barnaby Rudge*. Witnesses at the trials of the rioters spoke of lists of houses 'that had to come down',[3] yet there is no trace of such a list among the judicial records consulted. Nor do they suggest that the rioters were, in the main, composed of itinerant bands moving from one scene of action to another under the guidance of some central authority. It is, in fact, remarkable what a large proportion of those brought to

[1] See correspondence between Lord Amherst and Alderman Wooldridge (Corp. Lond. R.O., Alchin Papers, Box H, no. 77).

[2] *State Trials*, xxi. 613, 620.

[3] *Proceedings* (Surrey), pp. 105, 125.

trial resided in the neighbourhood, if not in the actual parish, of the incident with which they were supposed to be concerned. This does not, of course, apply in the case of the destruction of Justice Hyde's house, to which people came direct from the demonstration in Palace Yard of 6 June, or in that of the firing of Newgate and the King's Bench Prison, to which bands of demonstrators evidently came from a greater distance, either from curiosity or as direct participants.[1] This is not, however, to suggest that the great majority of the actions were purely spontaneous and that there was no organization even at a local level: each group of rioters appears to have had its recognized 'captain', sometimes armed 'with a drawn sword' or even riding on a horse—though he seems as often as not to have been a local man, probably emerging as a leader by temporary circumstance, rather than an outsider sent into the community from outside. Such 'captains' were Robert Smille at Langdale's—not arrested, presumably because he used his influence to dissuade his followers from attacking the house earlier in the afternoon; William Pateman, journeyman wheelwright, at Robert Charlton's house in Coleman Street; and Thomas Taplin, a coach-master, who 'captained' the rioters collecting funds 'for the poor Mob' in Great Russell Street on 7 June.[2]

But what is known of the mass of the rioters and their aims? An anonymous informer, who claimed to have 'been amongst them' but to have repented of his ways, addressed the following picture of the 'Mob' to Lord North's secretary:

> 200 house brakers with tools;
> 550 pick-pockets;
> 6,000 of alsorts;
> 50 men that . . . gives them orders what to be done; they only come att night.[3]

[1] Of 66 rioters brought to trial, whose addresses are reasonably clearly established, 46 lived in the locality in which the offence with which they were charged was committed, 10 lived within a mile of the incident concerned and 10 as far as 2–4 miles distant (most of the latter cases relate to the firing of Newgate and the King's Bench Prison). The point is further emphasized by the frequent recognition of prisoners by local witnesses: thus, Hull, a publican of Arundel Street, claimed to recognize 'all the mob' at Sir John Fielding's; and Bradbury, a publican of Golden Lane whose house was attacked, testified: 'I know all the prisoners.' (*Proceedings* (London), pp. 360, 621.)

[2] *Ibid.*, pp. 516–19, 484–6, 409–13.

[3] S.P. 37, no. 20, fo. 200.

Walpole, after various attempts to define them, decided that they were 'chiefly apprentices, convicts and all kinds of desperadoes'.[1] Dr. George ascribes a major share in the riots to 'the inhabitants of the dangerous districts in London who were always ready for pillage'.[2] 'Desperadoes' and criminal elements no doubt played a part in an event which so obviously favoured their activities, but not so large a part as the sensational accounts spread about of the release of thousands of criminals from the prisons would suggest. The released debtors, in fact, far outnumbered the criminals: whereas only 134 were set free from Newgate and 119 from Clerkenwell Bridewell (and several of these surrendered or were retaken),[3] 835 debtors were released from the King's Bench[4] and probably as many from the Fleet.[5] Many of these unfortunates, besides, found themselves in pitiable straits as the result of their unsolicited discharge and later petitioned Parliament for relief.[6] It is true that two of the prisoners released from the New Gaol in Southwark on 7 June were, on the next day involved in an attack on a public house in Kent Street;[7] and John Burgess, 'a boy not yet 14', sentenced to death for rioting in Golden Lane on 7 June, was said to have been before the magistrates two or three times before.[8] Yet these are quite exceptional, and a remarkably high proportion of the remaining 157 prisoners up for trial received testimonials of good character from their neighbours and, very often, from their employers.[9]

[1] *Letters*, vii. 391.

[2] M. D. George, *London Life in the XVIII Century*, pp. 118–19.

[3] Corp. Lond. R.O., Newgate and Clerkenwell Bridewell Calendars, June 1780.

[4] Surrey R.O., Insolvent Debtors' Books (King's Bench Prison, 1780).

[5] In 1728, a committee of enquiry into the state of the prisons reported that there were 'at least 1,000 prisoners' at the Fleet (*Commons Journals*, xxi. 274 ff.); in 1830–4, there were between 700 and 884 prisoners (J. Ashton, *The Fleet* (1888), p. 313). In June 1780, there were only 27 prisoners in the New Gaol, Southwark, and about 30 in the Marshalsea (Surrey R.O., Insolvent Debtors' Books); 23 were released from the House of Correction, Surrey, and 40 from the New Gaol (Surrey R.O., Sessions Bundles, Midsummer-Michaelmas 1780).

[6] *Journals of the House of Lords*, xxxvi. 155–6.

[7] They were Henry Wadham and Edward Doreman, the latter a sailor on H.M. *Serapis* (*Proceedings* (Surrey), pp. 29–40; S.P. 37, no. 21, fos. 300–1, 356–8).

[8] *Proceedings* (London), pp. 429–30.

[9] *Proceedings* (London and Surrey), *passim*; see also numerous petitions and declarations in State Papers 37, no. 21, fos. 194–410.

This contrasts strikingly with the bad record of several of those who informed against them (encouraged in a large number of instances by the bait of a £50 reward): in more than one case, the prosecution was compelled to drop its charges in view of the unsavoury reputation of the Crown witness; in another, an informer was subsequently sentenced to seven years' jail for bearing false witness; in a further case, two of the witnesses were shown to be felons, one of whom had not yet completed a sentence of seven years' transportation.[1] Bribery, in spite of lurid accounts by interested persons, can be discounted as a serious cause of the rioting;[2] and, though looting undoubtedly played a part—there were numerous complaints of theft made by householders and landlords and there was considerable looting at Lord Mansfield's and at Thomas Langdale's[3]—it is doubtful if desire for loot and plunder was a primary factor in the disturbances. The general rule seems to have been to destroy movable objects and personal effects on bonfires in the streets. Only 15 persons among those up for trial were specifically charged with theft, and seven of these were found not guilty.[4]

It is, of course, impossible to determine with any degree of accuracy the composition of the rioters as a whole. We have next to no information in the case of the 458 persons killed or wounded by the Volunteers and the military; and very little in the case of the majority of those arrested.[5] We have, in fact, to rely almost entirely on the comparatively small sample of 160 who appeared for trial at the Old Bailey, in Southwark and at the Surrey Assizes. Even in their case, the information is often sketchy and depends

[1] *Proceedings* (London), pp. 584, 621, 579–83; Assizes 35/220 (Indictments Surrey, Summer Assizes 1780).

[2] The only specific accusations on this score appearing in the State Papers are those made by Benjamin Bowsey, a negro cook, while awaiting execution after conviction for taking part in the assault on Newgate (S.P. 37, no. 20, fos. 316–18, 320; no. 21, fos. 367, 376–7, 380–1).

[3] A plasterer's labourer, arrested at Langdale's, was reported to have said, 'he made better there than he did at work' (*Proceedings* (London), pp. 558–60).

[4] *Ibid.*, pp. 514–16, 555–60, 583, 603–6, 632–4.

[5] Apart from the 160 actually brought to trial, occupations are known in the case of 13 out of 14 arrested at the Sardinian and Bavarian chapels (*A Narrative of the Proceedings of Lord George Gordon* (1780), pp. 7–9, 20) and of 24 out of 49 arrested in the ruins of Newgate on 8 June (Corp. Lond. R.O., Alchin Papers, Box H, no. 77). These are, almost without exception, wage-earners—a large proportion of them journeymen and apprentices.

on the chance word of a witness, or a phrase used in a petition or bill of indictment. Yet it is reasonably certain that the majority of these, at least, were working men. Dickens does not, in fact, appear to err greatly when he wrote of a fair proportion of the rioters as 'sober workmen';[1] nor does Walpole when he repeatedly stresses the number of 'apprentices'.[2] Of 110 persons whose occupations are stated, one was a professional man—the apothecary Maskall, who may have been denounced through the spite of political opponents; one was the public executioner, Edward Dennis; 22 were small employers, shopkeepers, pedlars and independent craftsmen; 4 were soldiers and 6 were sailors (2 from the *Serapis*, lately captured by Paul Jones); while the remaining 76—nearly 70% of the whole—appear to have been wage-earners. Of these, 36 were journeymen and apprentices, 13 were waiters and domestic servants, and 11 labourers of various kinds. There were 20 women among them. Few appear to have been unemployed. Thus, while the majority of those whose addresses are given in any detail lived in lodgings, they do not appear, in the main, to have belonged to the very poorest sections of the working population.

What, then, prompted these 'sober workmen' and others to resort to such destructive violence?[3] Having witnessed the fires in Holborn and the attacks on the prisons and the Bank, Walpole discounted the idea that the prime motive of the rioters was religious zeal and wrote: 'The Pope need not be alarmed: the rioters thought more of plundering those of their own communion than His Holiness's flock.'[4] Bishop Newton, too, claimed that the excesses of the Gordon Riots were committed 'under the cloke of religion'.[5] Following this lead, some historians have suggested that the riots, while originally prompted by religious fanaticism, underwent a change of character around 6 June, and that, from this time on, religious enthusiasm gave way to more material considerations.[6] At first sight, there is much that is attractive in this argument. There was the attack on Newgate and on Lord Mansfield's on the night of the 6th and, the following night,

[1] Charles Dickens, *Barnaby Rudge* (1894), p. 133.

[2] *Letters*, vii. 387, 388, 390, 391, 400.

[3] It should be noted, however, that there were no fatal casualties among the victims of the rioters.

[4] *Letters*, p. 400.

[5] Guildhall Lib., MS. 3638.

[6] See e.g. E. H. Burton, *The Life and Times of Bishop Challoner*, ii. 250.

there were the drunken orgies performed outside Thomas Langdale's distilleries, the firing of the King's Bench, the Fleet and New Gaol, the looting of the toll-money on Blackfriars Bridge and the assault on the Bank of England, none of which might seem to have anything in common with the pious professions of the zealots who marched to Parliament from St. George's Fields. Furthermore, considerably less than half of all the victims of the riots—large and small—were Roman Catholics; and, in the parish of St. Andrew, Holborn, which suffered more damage than any other parish in the metropolis, only five out of 27 houses damaged or destroyed were occupied by Roman Catholics.[1]

Yet this argument will not stand the test of closer examination. The release of the prisoners and the attacks on the houses of certain non-Catholic magistrates and justices—including that of the Lord Chief Justice, Lord Mansfield himself—mark no departure from the original character of the riots. Rather, they were the logical consequences of the failure to secure the repeal of the Relief Act either by peaceful demonstration or the burning of Catholic mass-houses, the refusal of Parliament to consider the Protestant Petition and the part played by certain magistrates and constables in apprehending rioters. Even the scenes enacted outside Langdale's distilleries do not prove that the riots had changed their pattern: Langdale was a wealthy and well-known manufacturer and—though here, as elsewhere, drunkenness gave a special twist to events—it may well be that it was the belief that he had a Roman mass-house on his extensive premises that prompted the initial attack rather than the reputed strength of the liquor in his vaults. It is probable that the attacks on Blackfriars Bridge and on the Bank had implications beyond the immediate aims of the riots—to these we shall return later—but the riots that broke out the same night in Southwark and Bermondsey followed exactly the same pattern as those previously witnessed in Westminster, Moorfields and Wapping and were accompanied by the same chanting of anti-Papist slogans. Of 17 private houses (including chapels and public houses) damaged or destroyed in these two Boroughs on 7 and 8 June, 13 were occupied by Roman Catholics; and it is a striking fact that, for the whole period of the riots, of 47 recipients or claimants of substantial sums of compensation, all but four were either Papists, or

[1] Works 6, nos. 110–11; West. Dioc. Arch., vol. xli, fo. 227.

magistrates, justices, prison-keepers, constables and 'thief-takers' involved in quelling the riots, or the owners or occupiers of buildings damaged as the direct result of assaults made on Catholic property. Even in St. Andrew, Holborn, where we noted so large a proportion of non-Catholic property among the damaged houses, the riots did not depart from their general pattern: no less than 21 of the 22 non-Catholic houses mentioned were damaged by the conflagration spreading from Langdale's distilleries and, as such, appear on the list of claims submitted by the Hand-in-Hand Fire Office to the Board of Works.[1]

Yet the riots were not directed against the Roman Catholic community as a whole. Had they been, they would have been most violent and widespread in those parishes and districts in which the largest numbers of Roman Catholics lived, particularly in those in which the great mass of the Catholic working population was concentrated. This, however, was not the case. The following are the six parishes in the metropolis in which the largest number of houses were damaged or destroyed, presented in descending order of magnitude (with Roman Catholic population in brackets):

St. Andrew, Holborn,	26	(443);
St. Luke, Old Street,	8	(188);
St. Giles in the Fields,	7	(1,223);
St. George, Southwark,	6	(39);
St. Mary Magdalene, Bermondsey,	6	(199);
St. Giles, Cripplegate,	5	(138).

Now follow, also in descending order of magnitude, the six parishes with the largest number of Catholic residents (this time with the number of destroyed and damaged houses in brackets):

St. George in the East,	1,581	(2);
St. John, Wapping,	1,364	(nil);
St. Giles in the Fields,	1,223	(7);
St. James, Piccadilly (adults),	987	(2);
St. George, Hanover Square,	860	(1);
St. Leonard, Shoreditch,	536	(3).[2]

[1] Works 6, no. 111; *Minutes of the Hand-in-Hand Fire Office*, xxvii (May 1780 to July 1783), 131–2 (Guild. Lib., MS. 8666/24).

[2] Works 6, nos. 110–11; H. of Lords R.O., Return of Papists for 1780 (return for 1767 in the case of St. Mary Magdalene, Bermondsey).

It will be seen that there is little concordance between the two sets of figures. In fact, there does not appear at any time to have been the intention of making a general and indiscriminate attack on the houses of the 14,000 Roman Catholics in the metropolitan area[1]—let alone on the mythical figure of '35,000 Roman Catholic houses' imagined by Lord Bute three weeks after the event.[2] At most, there were 60 Catholic houses destroyed or damaged (very few of these beyond repair) in the course of a full week's comparatively unrestricted rioting—and hardly one of these lay in the crowded courts and alleys in which lived the Catholic lodgers and labourers of Saffron Hill and St. Sepulchre, Holborn; the weavers and worsted twiners of St. Botolph, Aldgate; the labourers of St. Giles, Cripplegate and St. Luke, Old Street; and, above all, the lodgers, labourers, riverside workers and weavers of Whitechapel, Wapping and St. George in the East.

There was, in fact, a distinct class bias in the direction of the attack made by the rioters on the Roman Catholic community. A glance at the composition of the victims of the riots will confirm this point: once the priest and the schoolmaster had been dealt with (these were undoubtedly the primary targets, as the whole pattern of the riots suggests), it was the gentleman, the manufacturer, the merchant, or the publican, rather than the independent craftsman or the wage-earner, who was the main object of the rioters' attention. Of 136 claimants for damages whose occupation or status is given, there were one peer; two ambassadors; two doctors; two priests; three magistrates, five schoolteachers; 30 gentleman; 29 publicans, distillers, brewers and brandy-merchants; nine other merchants and dealers; ten manufacturers; 24 shopkeepers; 15 independent craftsmen (or persons appearing to be such); and four wage-earners.[3] That the victims of the riots were, on the whole, persons of substance is further confirmed by a study of the Rate Books and Land Tax registers for the period: of more than a hundred victims appearing in the ledgers of thirty parishes affected by the riots, all but eight live in houses of an

[1] Included in this total are all Catholics (13,379) appearing in the return made by the Bishop of London and those made for Southwark and Bermondsey by the Bishop of Winchester (390). In using the term 'metropolis' or 'metropolitan area' I have generally followed the boundaries suggested by Dr. George (*op. cit.*, p. 329).

[2] Quoted by de Castro, *op. cit.*, p. 218.

[3] Works 6, nos. 110–11.

annual rent of £10 or more; two in every three occupy premises whose rent ranges from £20 to £230 a year.[1]

It has been suggested by G. M. Trevelyan and others that the violence meted out to the Roman Catholics during the Gordon Riots sprang, in large measure, from the English workman's hostility to the immigrant Irish.[2] In Bermondsey, the trials of rioters gave evidence of local anti-Irish feeling. The Crown chose a number of Irishmen to give evidence against some tanners' journeymen who were charged with attacking Laurence Welch's ale-house in Long Lane; some lively exchanges resulted between defence counsel and witnesses; and William Inbest, one of the accused, declared in a statement read to the Court: 'All the men that have given evidence against me are Irishmen of the lowest class, and people of abandoned character.'[3] Irishman and Catholic were, naturally enough, closely identified in the popular mind: in Golden Lane, one Susannah Clark was supposed to have said that Cornelius Murphy's house must come down, 'for Mr. Murphy's was a Roman Catholic's house' and 'if they were not Roman Catholics, why did they keep Irish wakes there?'[4] In both Golden

[1] Guild. Lib., Sewer Rate (1779), MS. 2137/13–16; Riot Rate (Feb. 1782) for St. Andrew Holborn and St. Bride Fleet Street, MSS. 9073, 3427/1–10; Poor Rate (1779–80) for Allhallows London Wall, St. Botolph Aldgate, St. Botolph Bishopsgate, St. Giles Cripplegate, St. Sepulchre London, St. Stephen Coleman Street, MSS. 5347/3, 2534/367–77, 5419/317, 6104/160–4, 3120/24, 2433/8–9. Midd. R.O., Land Tax duplicates (1780–2) for St. Catherine's, Christchurch Spitalfields, St. George Middlesex, St. Luke Old Street, St. Mary Whitechapel, nos. 5205, 5258, 5314–5, 2134–5, 2196, 2248, 6137. London County Council R.O., Surrey and Kent Commissioners of Sewers (1779–85), nos. 102, 113, 127–8, 137, 158, 176, 412, 454. West. City Arch., Poor Rate (1774–80) for St. Anne, St. George Hanover Square, St. James Piccadilly, St. Martin in the Fields, St. Paul Covent Garden (A 276, C 355, D 101, F 574, H. 105); Riot Rate (Feb. 1782) for St. Clement Danes (B 934). Holborn Lib., Poor Rate (1780) for St. George Bloomsbury, St. George the Martyr, St. Giles in the Fields; Church Rate (1780) for Liberty of Saffron Hill. Bethnal Green Lib., Land Tax assessments (1779–81) for St. Matthew B. Green. Islington Lib., Poor Rate (1780–4) and Church, Lamp and Watch Rate (1770–6) for St. Mary Islington. Shoreditch Lib., Land Tax assessments (1778–81) for St. Leonard Shoreditch. I hope to elaborate this point elsewhere.

[2] G. M. Trevelyan, *History of England*, p. 608; see also M. D. George, *op. cit.*, pp. 117–19.

[3] *Proceedings* (Surrey), pp. 67–70.

[4] *Proceedings* (London), pp. 459–60.

Lane and Southwark, there was a tendency to attack Irish public houses; but in these riots there is no sign of that fury which was expressed against the Irish immigrants in the savage brawls that broke out in Spitalfields in 1736 and in Covent Garden in 1763.[1] The main centres of the Irish population were then, as somewhat later, in St. Giles in the Fields; Whitechapel; St. George in the East; St. Andrew, Holborn; and Bermondsey-Southwark.[2] In none of these was there any attack made on the alleys and tenements where the Irish population lived closely packed together; the only Irish Catholic labourer appearing on the lists of victims was Doyle Kone of St. Catharine's Lane, Tower Hill, who put in a claim for £3 4*s.* 1*d.* as compensation for damage to his personal effects.[3]

Our analysis suggests, in fact, that behind the slogan of 'No Popery' and the other outward forms of religious fanaticism there lay a deeper social purpose: a groping desire to settle accounts with the rich, if only for a day, and to achieve some rough kind of social justice. This element of social protest is expressed in the reported remark of a barge-builder in East Lane, Bermondsey, who, told that a threatened householder (a prosperous iron manufacturer) was no Papist, countered: 'Protestant or not, no gentleman need be possessed of more than £1,000 a year; that is enough for any gentleman to live upon.'[4] It may, again, be implicit in the answer of Thomas Haycock, a waiter at the St. Alban's Tavern, St. James's, who, when questioned by a neighbour on the part he had claimed to take in the assault on Newgate, said: 'Damn my eyes, I have no religion, but I have to keep it up for the good of the cause.'[5] It explains perhaps why negroes, as well as Protestant Englishmen, took part in the release of prisoners at Newgate;[6] and why Samuel Solomons, a Jew, should risk his neck during the riots to settle accounts with a Roman Catholic publican, because he thought him to be a 'thief-taker' who had lived 'by the price of blood'.[7] It may also explain—unless we are to read a more sinister implication into the event—the seizure of

[1] M. D. George, *loc. cit.*

[2] H. of Lords R.O., Return of Papists for 1767 (that of 1780 gives no details of households); *Report from the Select Committee on the Education of the Lower Orders in the Metropolis*, p. 261, H.C. (1816), IV, 1.

[3] Works 6, no. 111.

[4] *Proceedings* (Surrey), p. 11.

[5] *Proceedings* (London), pp. 446–52.

[6] *Ibid.*, pp. 479–83.

[7] S.P. 37, no. 21, fo. 225.

the toll-houses on Blackfriars Bridge and the blind, desperate, costly assault on the Bank.

This does not mean that religion—to repeat Bishop Newton's phrase—was merely the 'cloak' for some form of deeper social protest in which men other than Protestant fanatics might share. The two went side by side. It is doubtful if the mass of the participants in the riots considered themselves as direct supporters, or even shared the religious convictions, of the Protestant Association; and yet they gaily destroyed Roman chapels and mass-houses, echoed the Association's slogans and wore its insignia, the blue cockade; and even collected funds 'for the Protestant religion' or—perhaps more significantly—'for the poor Mob'.[1] The contradiction is more apparent than real. Popery still remained, two hundred years after Philip of Spain and the Armada, associated in the popular mind with 'wooden shoes' and foreign enslavement. There had been the dread of a massacre of Protestant Englishmen by Irish Catholics on the eve of the Civil War; again, there was the panic aroused by James II's reputed Catholic army of 1688, following hard on the heels of the scares fomented by Titus Oates at the time of the Popish Plot. Anti-Catholicism remained part of the political tradition of the people, continually nourished by Republican, Whig or nationalist agitation, and closely linked with abiding memories of 'the Good Old Cause'. For all the distaste of cultured Englishmen like Horace Walpole for 'enthusiasm', such a tradition might, in moments of national emergency, be turned to direct advantage by bodies of religious fanatics like the Protestant Association. Only half a dozen years before, the passage of the Quebec Act had been greeted by angry crowds with shouts of 'No Popery!' and its terms denounced by a chorus of Whig politicians, the Earl of Chatham and the City of London.[2] Besides, it was widely believed that the Catholic minority was far larger and more influential than in fact it was;[3] also that the Catholic Relief Act entirely removed all those disabilities which had hitherto kept it within bounds.[4] Moreover, in 1780, England found herself at war,

[1] *Proceedings* (London), pp. 471–2, 409. [2] Lecky, *op. cit.*, iv. 299–300.

[3] See B. Magee, *The English Recusants* (1938), pp. 195–6.

[4] The Government found it necessary, in the course of the riots, to reassure 'many well-disposed Protestants' that Catholics were still liable to severe penalties for keeping schools, saying mass, etc. (S.P. 37, no. 21, fos. 28, 141).

not only with American colonists—for whom there was much sympathy—but with the Catholic Powers of France and Spain, the traditional enemy, who had joined the coalition against her at a moment of acute national peril.[1] This may directly account for the prevalence of sailors among the rioters and the reluctance of soldiers to shoot at the crowds so long as their activities appeared to be directed solely against Catholic property.[2] It may also explain why the panic fear of the Roman Catholic minority spread so rapidly to Bath and Bristol without any direct encouragement from Lord George Gordon or the Protestant Association;[3] and why the anxiety was expressed (probably with reason) that the movement would find support, if the occasion arose, among the labouring population of the countryside.[4] At the same time, once launched by the Protestant Association, being a movement of the poor, it began to assume, however confusedly, a social complexion which its original promoters had not intended and with which they had little sympathy.

Many questions, of course, still remain unanswered. What links existed between the Protestant Association and the journeymen, servants and labourers who formed the bulk of the rioters? By what channels were the Association's ideas and slogans communicated to them? How far did economic factors, such as wages and food-prices,[5] play a part in stimulating unrest? How do the

[1] The riots revealed considerable hostility to foreigners: Hardy wrote (on hearsay, it is true) that no Frenchman dared show his face in the streets (*Journal*, iv. 303); and the Italian, Thomas Lebarty, was threatened with the words: 'I will have your house down, you outlandish bouger' (*Proceedings* (London), p. 509).

[2] *Vide* a letter to Lord Stormont of 13 June: 'The doctrine said to be got among the soldiers that, having taken an oath that they were Protestants, it would be a breach of their oaths to assist the Catholics, and that therefore they would not fire on any persons destroying Roman chapels . . .' (S.P. 37, no. 21, fo. 64).

[3] A letter of 15 June from the mayor of Bath to Lord Hillsborough discounted the suggestion that anyone had come from London to provoke the riots that took place in Bath on 9–10 June (S.P. 37, no. 21, fos. 155–6).

[4] A letter of 10 June from Alton, Surrey, to Lord Hillsborough runs: 'I am sorry to say when the unhappy commotions in London reached the country, the lower class of the people seemed inclineable to join them . . .' (S.P. 37, no. 21, fo. 77).

[5] The prices of cereals and of bread, in London and Middlesex at least, appear to have been comparatively low for the time of year and had not risen since March (*Gentleman's Magazine*, xlvii–li (1777–81), *passim*).

motive forces underlying the riots of June 1780 compare with those underlying other 'panic' movements of the seventeenth, eighteenth and early nineteenth centuries? On some of these the documents are silent and, for lack of certain evidence, they will doubtless continue to provoke surmise and speculation. Others lie outside the scope of the present study and, for their answer, must await the results of enquiries conducted over a wider field of research.

THE ENGLISH HIERARCHY IN THE REIGN OF EDWARD III

By J. R. L. Highfield, D.Phil.

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THE English hierarchy in the period between the Norman Conquest and the death of Edward II has attracted the attention of a number of modern scholars.[1] Recently Mr. Pantin has extended those studies in an outline survey of the episcopate for the whole of the fourteenth century.[2] The primary object here is to fill in with more detail the background of that outline for the reign of Edward III. I shall, however, break up one of his categories into four. In general I shall suggest that care must be taken not to exaggerate the importance of bishops with experience in the royal administration or of those with high aristocratic connections. I shall seek to classify the 85 bishops in order to show their origin, their experience and, in the case of the aristocrats, their social class. In a century when civil servants might also be scholars like Richard of Bury, or when monks could hold great offices of state like Simon Langham, any attempt at an exclusive division into categories is bound to be artificial. Exclusive percentages will not, therefore, be relied on. Bishops may occur in one or more categories.

Twenty-six bishops, or just over a quarter of the hierarchy, had at some stage or other served the king. But to group them all together seems quite unsatisfactory. To call them 'curialist bishops', as is sometimes done, is surely misleading. The term 'curialist' has come to have a pejorative meaning. The implication is that, if they

[1] D. Knowles, *The Episcopal Colleagues of Archbishop Becket* (Cambridge, 1951); M. Gibbs and J. Lang, *Bishops and Reform, 1215–1272* (Oxford, 1934); K. Edwards, 'Bishops and Learning in the reign of Edward II', *Church Quart. Rev.*, cxxxviii (1944), 57–86; 'The political importance of the English bishops during the reign of Edward II', *Eng. Hist. Rev.*, lix (1944), 311–47; W. E. L. Smith, *Episcopal Appointments and Patronage in the reign of Edward II* (Chicago, 1938).

[2] W. A. Pantin, *The English Church in the Fourteenth Century* (Cambridge, 1955), pp. 9–26.

served the Crown, or owed their promotion to the Crown, they must automatically as bishops have belonged to a Court Party. The term 'curialist' should now, in my view, be limited to those who, possessing no particular qualification, became bishops as a result of court influence. Lewis Beaumont provides a good example. I should not include under such a heading professional administrators like Edington and Brantingham. These men revealed during their episcopates that they possessed most of the qualities of the good bishop. Nor do I think it really helpful to substitute for 'curialist' the term 'civil-servant bishop'. This also can mislead. There was a real difference between the man who became a bishop after having worked his way right up through the royal service, like Roger Northburgh, and the man who, having gained his training elsewhere, like Islip, only came into that service at a late stage. There was also a difference between the man who had worked in one of the major departments and the man who had not. Again the ministers of the Crown require separate treatment. I shall, therefore, group together all those who had passed a great part of their career in a department. I shall mention separately within that category those who had had important experience outside. In the second group I shall include all those who represented the king abroad as diplomats. Thirdly, I shall class together those who served the king in other miscellaneous ways. Finally, I shall discuss the ministers of the Crown.

Eighteen bishops may be said to have passed an important part of their life before episcopal promotion in a major government department.[1] The Wardrobe still produced more bishops than any other department. But its influence was on the wane. Five ex-Wardrobe clerks (Thomas Charlton, Droxford, Melton, Reynolds and Roger Northburgh) had been promoted to their sees before 1327. Five others (Brantingham, Buckingham, Bury, Edington and Zouche) passed to ministerial office before they became bishops. There was much more migration from one department to another, or from a department to ministerial office, than there had been a century before. But the bishops of this class did not

[1] Ayrmin, Brantingham, Buckingham, Bury, Thomas Charlton, Droxford, Edington, Hatfield, Hotham, Langton, Melton, Roger Northburgh, Reynolds, John Stratford, Robert Stratford, Thoresby, Wickham and Zouche.

obtain experience as royal justices as many of their opposite numbers had in the time of Henry III.

At least eight of the men in this category were not wholly limited to departmental experience.[1] Miss Edwards has called attention to the appearance of the graduate-civil servant in the reign of Edward II.[2] Under his son this feature was repeated. Edington probably only studied at a university.[3] But Langton, Bury, Thoresby and Ayrmin completed their M.A. course; Robert Stratford and Zouche incepted in law (Zouche became B.C.L.); and John Stratford and Thomas Charlton actually finished their doctorates. As Mr. Denholm Young has pointed out this means it is likely that these men must have spent at least twelve years in the university before embarking on their careers in the departments.[4]

Finally, it should be noticed that this group was numerically less important than it had been. Now it provided just over 20% of the total. In the reign of Henry III it had supplied over a quarter.

The spasmodic nature of medieval diplomatic employment justifies the setting apart of the diplomats who had not served in the departments from those who had been both envoys and departmental clerks. Of the former—nine in number—six had only served the king,[5] but two, Bateman and Sudbury, had equally been in the service of the pope. Their papal experience brought to the episcopal bench men trained in the ways of the world beyond the Channel. The ex-diplomats made a much more substantial element in Edward's hierarchy than Bronscombe and Laurence of St. Martin had made among the bishops of Henry III.

There were eight bishops whose royal service took them to government service at home yet outside the departments.[6] In one

[1] Ayrmin, Bury, Edington, Langton, John Stratford, Robert Stratford, Thoresby and Zouche. [2] Edwards, 'Bishops and Learning', pp. 60–1.

[3] *Snappe's Formulary*, ed. H. E. Salter (Oxford Hist. Soc., 1924), pp. 308–309; S. Gibson, *Statuta Antiqua Universitatis Oxoniensis* (Oxford, 1931), pp. 3, 155.

[4] N. Denholm Young, 'Richard de Bury (1287–1345)', *Trans. Royal Hist. Soc.*, 4th ser., xx (1937), p. 157 n.1.

[5] Barnet, Bintworth, Houghton, Michael Northburgh, Islip and Sheppey. Gilbert had not served in a department but only became an envoy after reaching the bench.

[6] Bintworth, Bradwardine, Houghton, Islip, Langham, Michael Northburgh, Sheppey and Wickham.

case—that of Wickham—this was simply because of his very special duties for the Crown. His career as architect, chaplain, clerk of works and surveyor made him one of Edward III's favourite royal servants. It also made his pre-episcopal career unique among Edward's hierarchy. But other prelates in this group—like Islip and Michael Northburgh—had only entered the king's service late and had gained much valuable experience elsewhere. Thus Islip, for example, had been several times vicar-general to Bishop Burghersh of Lincoln.[1] Though he had served the king on an embassy in 1342,[2] his main business in London had been as official of the Court of Canterbury[3] until he joined the council of regency in 1345.[4] He brought to his ministerial office, the Keepership of the Privy Seal, quite a different tradition of experience from that brought by a professional departmental clerk like Buckingham. Several cases are similar to that of Islip. When Michael Northburgh became a king's clerk it was not to enter a department but to undertake special missions and eventually to work at the king's side as keeper of the privy seal.[5] Adam Houghton worked for the abbey of Séez[6] and Richard Vaughan[7] before he became a royal diplomatic envoy. That was two years before he became bishop of St. David's. Bradwardine had spent much of his time at the University on his doctorate of theology[8] before he entered the royal household as a chaplain.[9] Sheppey had been prior of Rochester (with a little royal diplomatic experience).[10] Langham seems to have had no knowledge of the king's service until appointed a minister of the Crown.

The three great ministerial offices during the reign of Edward III were those of chancellor, treasurer and keeper of the privy seal. Of these the last was the most important as a stepping stone, as has already been noticed. There were, by comparison with the fourteen ex-keepers of the privy seal, only two chancellors and

[1] Between 1337 and 1340 (Reg. Burghersh, fos. 69v, 70v, 72, 90 and 584).
[2] *Foedera*, II. ii. 1185.
[3] Cf. *Cal. Cl. Rolls, 1341–1343*, p. 634.
[4] *Foedera*, III, i. 50.
[5] Cf. *Cal. Pat. Rolls, 1345–1348*, p. 80; *Collectanea Miscellanea Topographica et Genealogica* (London, 1834), i. 165; *Cal. Pap. Pet.*, i. 219; T. F. Tout, *Chapters in Medieval Administrative History* (Manchester, 1920–33), vi. 52.
[6] *Cal. Cl. R., 1349–1354*, p. 624.
[7] *Cal. Pap. Pet.*, i. 106.
[8] *Registrum Palatinum Dunelmense*, ed. T. D. Hardy (Rolls Ser., 1873–8), iii. 490.
[9] Tout, *Chapters*, iv. 114 and n. 4.
[10] Prior, 1333–50, royal envoy in 1345 and 1349.

five treasurers who moved from ministerial office to episcopal promotion.[1] There can be little doubt that it was ministerial office rather than departmental service which was the most important stage in the career of the future bishop. As has been seen, it was possible to become a minister with little or no previous experience in the royal service. The fact that a man was chancellor or treasurer meant no more that he had inherited a civil servant's outlook than it would in the case of a modern minister of state. But it meant for the great part of Edward's reign that such a man had caught the royal eye and that was far more important for promotion than his past career or social origin.

There was one sense in which the old departments, the Chancery and the Exchequer, were closely associated with the hierarchy if they no longer supplied many future bishops. Nine chancellors and ten treasurers took up their offices after they had become bishops. In other words, the Crown drew heavily on the experience of the existing bench to provide it with ministers. Also it used the revenues of the bishoprics indirectly to support the ministerial offices. Altogether eleven of Edward III's seventeen chancellors and fourteen of his twenty-one treasurers were bishops.

Outside the circle of royal servants there were at least eight bishops who had been trained up in ecclesiastical or lay households other than the king's. Thus Gynewell [2] and Ergham [3] found it advantageous to serve the house of Lancaster, and Harwell,[4] Stretton [5] and Spridlington [6] to be the servants of the Black

[1] Langton and Robert Stratford (chancellors), Brantingham, Edington, Langham, Reynolds and Zouche (treasurers).

[2] Member of the household of Henry I, earl of Lancaster, and steward to his son, Henry II; bishop of Lincoln, 1347–62; cf. A. H. Thompson, 'Registers of John Gynewell, bishop of Lincoln', *Archaeological Journal*, lxviii (1911), p. 305, and *Cal. Pap. Lett.*, iii. 130.

[3] Chancellor to John of Gaunt, 1372–5, bishop of Bath and Wells, 1388–1400.

[4] Clerk to the Black Prince by 1362, constable of Bordeaux, 1363–7, bishop of Bath and Wells, 1366–83.

[5] Almoner to the Black Prince by 1347, confessor by 1349, bishop of Coventry and Lichfield, 1360–85.

[6] One of the Black Prince's keepers by 1347, auditor, 1352–6, 'of the council of the Prince of Wales', 1357, attorney, 1355–7, 1362–3, surveyor, 1361, bishop of St. Asaph, 1376–82.

Prince. Three bishops went straight to the bench from ecclesiastical households.[1] Taking into consideration the wide differences of practice in these households, these eight men must have brought with them a valuable variety of administrative experience to put at the disposal of the Church.

There were fifteen bishops in this reign who came from aristocratic families.[2] Their numbers were by no means proportionate to the impression they created on their contemporaries and have continued to exert on modern historians. They were in fact almost exactly the same proportionately as they had been in the reign of Henry III. Mr. Pantin has suggested that from 1350 onwards 'a new type of bishop appeared drawn from the higher aristocracy'. If by higher is meant that the bishop was the relative of an earl (or duke), then only two of Edward's bishops strictly fall into this class, Courtenay[3] and Arundel.[4] A third—Despenser[5]—should also be included since he came from a family which had been of the rank of earl but which had temporarily fallen from grace. Both Montague and Percy should probably be grouped with those of baronial rank since their promotion to their sees antedated the Montague acquisition of the earldom of Salisbury and the rise of the Percies to the earldom of Northumberland.[6] Alexander Neville, archbishop of York, was the son of Sir Ralph Neville of Raby. The Nevilles were a baronial family which was also to reach the ranks of the earls.[7] Thomas Berkeley, bishop of Exeter, was the brother of Maurice, Lord Berkeley, who had been created a baron by 1308.[8] Henry Burghersh, bishop of Lincoln, was another baronial bishop, who had owed his promotion largely to the influence of the Burghersh and Badlesmere families in the

[1] Barnet, Paschal and Whittlesey.

[2] Arundel, Beaumont, Anthony Beck II, Thomas Beck II, Berkeley, Brian, Burghersh, Thomas Charlton, Courtenay, Despenser, Grandisson, Martin, Montacute, Neville and Percy.

[3] 4th son of Hugh, earl of Devon, 1303–77 (*Complete Peerage*, iv. 274–5).

[4] 3rd son of Richard Fitzalan, earl of Arundel (*ibid.*, p. 161).

[5] 4th son of Edward, 2nd son of Hugh Despenser the Younger. Thus he was uncle to Thomas Despenser, earl of Gloucester (cr. 1398).

[6] Simon Montague became bishop of Worcester in 1334. His brother was created earl of Salisbury in 1337; Thomas Percy became bishop of Norwich in 1355. His nephew Henry was created earl of Northumberland in 1377.

[7] *Complete Peerage*, ix. 501 n.b. The archbishop's nephew Ralph became 1st earl of Northumberland in 1397.

[8] Cf. *Complete Peerage*, ii, 128.

crises of the reign of Edward II.[1] In Lincolnshire the baronial family of Beck produced two brothers, Anthony and Thomas, who were the second generation of bishops to join the hierarchy from this one family. Reynold Brian became bishop of St. David's the year before his brother Guy was summoned as a baron to parliament. They were the sons of Sir Guy Brian of Walwyns castle, co. Pembroke, and of Tor Bryan in Devon. The noble families of the March had bred Welsh and Marcher bishops in the thirteenth century. One of these still survived in person in 1327. This was David Martin, bishop of St. David's.[2] Two mid-fourteenth century examples in the same tradition are provided by Thomas and Lewis Charlton, both bishops of Hereford and members of the baronial family of the Charltons of Powys.[3]

One point may be made about these men right away. They were no unpolished, if high-born, sons of the mighty. With the possible exception of Martin each one of them had graduated. Several, like Burghersh, Despenser and Neville, incepted in a higher degree and a few, like Courtenay and Lewis Charlton, completed the course. Finally must be mentioned here Lewis Beaumont, bishop of Durham. He was the one aristocratic bishop who was himself a member of the royal family.[4] In this way he recalls the episcopal and royal members of the twelfth-century hierarchy. The kin of Edward III did not go into the Church as the twelfth-century Angevins and the relatives of Henry III had done.

In ten cases professional experience at the Papal Court, or personal attendance there, must have affected men who subsequently became bishops. Five had held the responsible position of auditor of causes [5] and two the post of penitentiary.[6] The most distinguished auditors were probably Bateman, Fastolf and Sudbury. In the case of Lynn (subsequently bishop of Chichester and then of Worcester), his training at the Curia may well have had

[1] Henry Burghersh was the nephew of Bartholomew Badlesmere.

[2] For his appointment see Smith, *Episcopal Appointments*, pp. 33–6. Cf. *Cal. Cl. R., 1280–1296*, p. 451.

[3] Thomas was the brother of John Charlton of Powys, baron. Lewis was his son.

[4] Cf. *Complete Peerage*, ii, 59 n. His father was cousin of Eleanor of Castile.

[5] Bateman, Fastolf, Lynn, Ross and Sudbury.

[6] Appleby and Ringstead.

something to do with his very undaunted spirit. He showed plenty of this later in a celebrated quarrel which he pursued with the earl of Arundel and with Edward III.[1] In that quarrel Lynn, who had enjoyed the favour of Innocent VI, certainly secured the strong support of Urban V.[2] After it was all over Lynn was frequently consulted by the Papacy, as in 1371 by Gregory XI.[3] Thomas Ringstead was penitentiary to Innocent VI who also employed him as a papal messenger.[4] Thomas Appleby was penitentiary to Urban V.[5] In the four instances of Fastolf, Lynn, Ringstead and Appleby, their standing with the pope seems to have been the chief or only reason why they were promoted. Their promotion illustrates the kind of episcopal patronage still open to the Papacy for the advancement of its own men. There was one other outstanding example of a man who, although never a major official at Avignon, nevertheless brought to the bench of English bishops the fruits of long years of experience at the Curia. This was Grandisson. He was the personal friend of John XXII.[6] He joined to curial experience an aristocratic origin. It was no doubt a combination of the two which produced his spirit of proud independence, which he showed frequently during his long rule at Exeter (1327–69). He was never afraid to stand up to the archbishop of Canterbury, to the king or indeed to Clement VI (when he departed from the ways of his immediate predecessors).[7]

A group of secular clergy who were never royal servants of any sort nor, it seems, clerks in lay or ecclesiastical households provide seventeen members of the hierarchy. They include seven Welsh bishops who seem to have been appointed because they were canons of the Welsh sees to which they had been elected.[8]

[1] Cf. E. B. Graves, 'The legal significance of the Statute of Praemunire', *Haskins Anniversity Essays*, ed. C. H. Taylor and J. La Monte (Boston, New York, 1929), pp. 57–80.

[2] *Cal. Pap. Pet.*, i. 470, *Cal. Pap. Lett.*, iv. 21, 53.

[3] *Cal. Pap. Lett.*, iv. 99.

[4] *Cal. Pap. Pet.*, i. 249, 285; *Foedera* (Lond. ed., 1727–35), v. 866, and *Cal. Pap. Lett.*, iii. 620.

[5] *Cal. Pap. Pet.*, i. 396.

[6] *The Register of John de Grandisson, Bishop of Exeter, 1327–1369*, ed. F. C. Hingeston Randolph (Exeter, 1894–9), iii. p. v.

[7] Cf. *Reg. Grandisson*, ii. 653, 1540; *Rot. Parl.*, ii, 245; *Cal. Pat. R., 1348–1350*, p. 559; *id., 1350–1354*, p. 190; *Reg. Grandisson*, i. 111–12.

[8] Ap Bleddyn, Englefield, Gower, Gronow, ap Madoc, Seys and Trevor.

The pope quashed the elections but provided the men whom the electors had chosen. The thirteenth-century procedure of election gave place to fourteenth-century procedure of provision, but the same result was reached. The reason was undoubtedly the poverty of the sees concerned. Thus they rarely attracted papal, royal or other than local attention. St. Asaph, for example, was held successively by ap Bleddyn, Trevor and ap Madoc between 1315 and 1375. Ap Bleddyn had been a canon of St. Asaph.[1] The family of Trevor was especially well entrenched in the same chapter. Two of Trevor's uncles were canons [2] and one of them, Griffin, when elected, resigned in favour of his nephew.[3] Ap Madoc was dean of St. Asaph when elected bishop in 1357.[4] The election of ap Bleddyn followed the practice of the thirteenth century. But those of Trevor and ap Madoc were quashed in favour of provisions of the same men.[5] Bangor and St. David's tell the same story. Seys had been archdeacon of Bangor before his election as bishop in 1309.[6] Englefield had been archdeacon of Anglesey before being elected in 1328.[7] In 1371 another archdeacon of Anglesey, ap Gronow, secured election which was followed by provision.[8] At St. David's, Gower in 1328 became bishop by election after having held the archdeaconry there.[9]

The English members of this group, ten in number,[10] like the Welsh include some bishops who were appointed solely by canonical election and others who were put in by provision. Three of the former were promoted in the reign of Edward II, like Mortival, or in the very early years of the reign of his son, like Berkeley and Meopham. But one, John Trilleck, was not appointed until 1344. That is the last date known (with one extraordinary fifteenth-century group of exceptions) for an election which was not subsequently quashed by a provision. For those who were not thus simply elected influence at the Curia was an essential preliminary to appointment. It is interesting to note how

[1] Smith, *op. cit.*, p. 21.
[2] *Cal. Pap. Pet.*, i. 114; *Cal. Pap. Lett.*, iii. 100.
[3] *Cal. Pap. Lett.*, iii. 100.
[4] Cf. *ibid.*, p. 531.
[5] *Ibid.*, and p. 235.
[6] Smith, p. 15.
[7] *Cal. Pat. R., 1327–1339*, p. 253.
[8] Reg. Whittlesey (Cant.), fo. 136.
[9] *Cal. Pat. R., 1327–1330*, p. 259.
[10] Berkeley, Meopham, Mortival, Orleton, Reed, Shrewsbury, Ralph Stratford, John and Thomas Trilleck and Welton.

varied were those who exercised this influence. We are too much inclined to confine attention to the wishes of the king or pope in this matter of episcopal provisions. There is plenty of evidence to suggest not only that other influences were at work but that they could be, with the king's acquiescence, decisive. It is known, for example, that Henry I, earl of Lancaster, stood behind Ralph of Shrewsbury's appointment at Bath and Wells.[1] Archbishop Islip was very interested in the general advancement of William Reed [2] (although Reed's appointment to Chichester only came after Islip's death). It is very likely that in the case of the promotion of Thomas Trilleck the hand of his brother (John Trilleck) should be seen. Ralph Stratford almost certainly owed much in his career to his kinsman, Archbishop Stratford. Similar influences were also at work behind that of the king at the time of the promotion of royal candidates.

The English secular bishops of this class were all learned men. Four of them had completed the course in theology.[3] Since they tended to spend a higher proportion of their time on their pastoral duties than many of their confrères they are probably a very important group from the point of view of diocesan history. Mortival continued the strongly theological tradition at Salisbury; Reed at Chichester and Berkeley at Exeter also both occupied sees which had a good theological reputation in the reign of Edward III. Reed was, perhaps, influential in seeing to the appointment of his fellow Mertonian, William of Heytesbury, S.T.P., to the canonry and prebend of Wittering,[4] the stall in Chichester cathedral to which the duty of giving theological lectures was attached.[5] Berkeley's work at Exeter was carried on by his successor Grandisson, who for a short while was able to command the services of the outstanding theologian, Richard Fitz-Ralph.[6] Gilbert

[1] *The Register of Ralph of Shrewsbury, Bishop of Bath and Wells, 1329–1363*, ed. T. S. Holmes (Somerset Rec. Sec.), ix, p. xx.

[2] Islip clearly obtained for Reed the provostship of Wingham College, F. M. Powicke, *The Medieval Books of Merton College* (Oxford, 1931), p. 89.

[3] Berkeley, Meopham, Mortival and Reed.

[4] When Heytesbury had been one of Islip's executors Reed had bought books from him.

[5] Lynn (Reed's predecessor) had secured recognition of the fact that Wittering should be held by a regent in theology according to a constitution of Archbishop Boniface, *Cal. Pap. Lett.*, iv. 189–90.

[6] Pantin, p. 113.

Welton, bishop of Carlisle, had a good pastoral reputation.[1] The careers of Ralph of Shrewsbury and John Trilleck also warn us not to underrate the bishops in this group.[2] For Ralph of Shrewsbury, though a doctor of law,[3] was interested in theology and had been chancellor of Oxford University.[4] He left the theological scholars of Oriel his copy of Nicholas of Lyra's gloss on the Old Testament.[5] At Wells he secured the confirmation of the statutes relating to the teaching of theology and canon law.[6] John Trilleck, a faithful visitor of the diocese of Hereford,[7] maintained at Oxford Trilleck Hall, which later became part of New College.[8]

The religious, if their numbers were about the same, were less important among the bishops of Edward III than they had been in the thirteenth century. Of the fifteen who held office between 1327 and 1377 six did so in the see to which their monastery was attached. At Worcester the cathedral priory produced Hemenhale and Bransford. At Rochester, another Benedictine priory had trained up Hethe and provided his successor, Sheppey. In the far north the Augustinian canons of Carlisle gave Kirkby and Appleby to the see of Carlisle. Elsewhere the Benedictines offer one example of elasticity, Brinton from Norwich cathedral priory becoming bishop of Rochester, and one example of the promotion of a monk of Westminster, Langham. Langham started his episcopal career at the Benedictine see of Ely. He was a whale among fishes. For he went on to become archbishop of Canterbury and the only English cardinal of the reign. No Benedictine ever became bishop of a see where there was no associated Benedictine priory. The cathedral priories of Winchester, Canterbury, Durham, Ely, Coventry and Bath failed to produce a single successful candidate. This was not always for lack of trying.[9] Among the friars the Dominicans proved by far the most successful in

[1] C. M. L. Bouch, *Prelates and People of the Lake Counties* (Kendal, 1948), p. 86.

[2] Cf. Pantin, p. 15.

[3] *Cal. Pap. Lett.*, ii. 165.

[4] *Reg. Shrewsbury*, ix, p. xx.

[5] Reg. Islip, fo. 244.

[6] *Cal. Pap. Pet.*, i. 134.

[7] *Registrum Johannis de Trilleck, Episcopi Herefordensis, 1334–1361*, ed. J. H. Parry (Canterbury and York Soc., 1910–12) i, p. xi.

[8] C. E. Mallett, *A History of the University of Oxford* (London, 1924), 301.

[9] Cf. e.g. *Anglia Sacra*, ed. H. Wharton (London, 1691), i. 652–3, 655.

securing promotion. They can claim five bishops. No doubt Eaglescliffe at Llandaff, Ringstead at Bangor and de Castro, his successor at the same Welsh see, were not very important. But Lisle and Gilbert, if they did not hold sees of first-class rank, were articulate members of the hierarchy. Lisle in particular joined the company of the few fearless bishops like Meopham and Courtenay who were brave enough when necessary to stand up to the king. The Franciscans and the Carmelites were almost completely eclipsed. There were two Carmelites—Swaffham and Paschal—both bishops of Welsh sees. The Franciscan was Craddock. He, like Swaffham, was translated from an Irish see to a Welsh one.

The graduate-bishops of Edward III's reign were markedly more numerous than those of the reign of Henry III. Certainly 57 and probably 60 of Edward's bishops had successfully completed a university course. Yet it should be said at once that among them the number of theologians was much the same as in the thirteenth century.[1] There were only fourteen (at most sixteen) who incepted in theology.[2] Nine of these are known to have gone on to become doctors.[3] It was the lawyers who had greatly increased. Probably thirty of the bishops had incepted in canon or civil law, or over a third of the total of the episcopate. Half of these reached the degree of doctor of canon or civil law or both successfully. They included three and probably four of Edward's archbishops of Canterbury [4] and Courtenay, who was to become archbishop under Richard II. Is it not remarkable that between 1333 and 1392 with the single exception of two years the see of Canterbury was always occupied by a lawyer? Among the four contemporary northern primates Zouche and Neville both incepted as lawyers.[5] The *Calendars* of Papal Letters and Petitions make it difficult to know whether these lawyer-bishops were students of canon or civil law or both. I have been able to discover seven canonists, six

[1] Graduates made up just over 50% of Henry III's bishops, nearly 70% of Edward III's. The proportions of theologians were respectively 9 out of 40; 13 (?15) out of 57 (?60).

[2] Anthony Beck II, Berkeley, Bradwardine, Bury, de Castro, Lewis Charlton, Gilbert, Meopham, Mortival, Paschal, Reed, Ringstead, Sheppey, Trevor and perhaps Lisle and Grandisson.

[3] All except Anthony Beck II, Bury, de Castro, Gilbert and Ringstead.

[4] Courtenay, Sudbury, Whittlesey and perhaps Islip.

[5] Cf. *Cal. Pap. Lett.*, ii. 520; *Cal. Pap. Pet.*, i. 373.

civilians and at least four (probably five) who studied both.[1] Here in mathematical terms is a reflection of the well-known tendency to study law rather than theology, a development much lamented by contemporary writers. Maitland's views on the importance of the acceptance of canon law in fourteenth-century England are further vindicated by these figures.[2] Clearly also under Edward III the study of law was more and more regarded as an essential preliminary to a successful career. This tendency, so evident in Edward's reign, was to receive an additional spur in that of his successor when, with the condemnation of the Lollard heresy, the study of theology became doubly dangerous.

The best known of the theologians was Bradwardine, a Balliol-Merton man whose active period as a theologian had begun in 1323.[3] He and Meopham were the only two archbishops to uphold the theological traditions of Kilwardby, Peckham and Winchesley. Meopham's rule at the beginning of the reign was no longer than five years—five bitterly troubled years. He does not seem to have been very brilliant or influential as a theologian.[4] The much more outstanding Bradwardine was cut off in his prime by the Black Death. He has left behind him a trail of suppositions as to what he might have done for the English Church if the plague had spared him. Mortival, bishop of Salisbury, was the last of the school of Simon of Ghent and Winchelsey which had been so impressive in the reign of Edward II.[5] Reed, like Bradwardine, was a Mertonian. The Merton school, as we are now beginning to discover, was a school more because its members belonged to the same college than because they shared a community of agreed conclusions.[6] Reed, far less well known than Bradwardine, was a patron of learning rather than an original scholar. He preferred

[1] Bateman, Orleton, Robert Stratford, Thomas Beck II, Shrewsbury, Appleby and Brinton (canonists); Thomas Charlton, Courtenay, Despenser, John Stratford, Sudbury and Ross (civilians); Gower, Ergham, Thomas Trilleck, Whittlesey and probably Burghersh (both).

[2] Cf. F. W. Maitland, *Roman Canon Law in the Church of England* (1898), especially pp. 1–50.

[3] Cf. G. Sarton, *Introduction to the History of Science* (Baltimore, 1947), iii. pt. i, pp. 116–17; A. Maier, *An der Grenze von Scholastik und Naturwissenschaft* (Essen, 1943), *passim*. Important work is being done on Bradwardine by Mr. G. Leff of King's College, Cambridge. [4] T. F. Tout in *D.N.B.*

[5] K. Edwards, 'Bishops and Learning', pp. 66–9, 72.

[6] Cf. Pantin, pp. 136–9.

not to found a new college but to build a library in an old one. He also took a great interest in Wickham's foundation and gave it an early grant of fifty volumes which must have been very valuable to its young library.[1] Recently more has been discovered about the contents of Reed's collection.[2] Although it cannot compare with the libraries of (say) the king of France or the dukes of Berry and Burgundy, it may well have been among the first half-dozen libraries in England. Among the other theologians it is worth noting that they included Berkeley, Anthony Beck II and Lewis Charlton. All three were aristocrats. Good birth and learning here marched hand in hand.

The safe course was to take up law. It is interesting to observe, moreover, that this concentration on law was of a severely practical nature. With the solitary exception of Fastolf, the bishops whom we are considering are not known to have contributed anything original to the study of canon or civil law in the fourteenth century. It was chiefly left to a John of Acton or a William of Pagula in this century (and to a William Lyndwood in the next) —none of them bishops—to uphold the honour of English students of ecclesiastical law. Fastolf as papal auditor before his appointment to St. David's, was the author of a commentary on some judgements in the Court of the Rota.[3] Whittlesey, Master of Peterhouse, Cambridge, in July 1349 and until 1351, was certainly a learned lawyer. Two of his books on civil and canon law survive. These were copies of Bartholomew on the Decretals and of the Dictionary of Huguccio which he left to his old college.[4] But he does not seem to have made any contribution of his own.

A comparison between Oxford and Cambridge bishops shows at once that between 1327 and 1377 Oxford very nearly swept the board. Probably 45 or just over half the bench were Oxford graduates. The handful of Cambridge men, probably only seven, were nevertheless, despite their numerical inferiority, a very interesting set of scholars and statesmen. Rashdall's views on the unimportance of Cambridge before 1350 need slight revision. At Cambridge, law and theology were equally well represented. The

[1] Powicke, *Medieval Books*, p. 88. [2] Merton Record P.I.

[3] Pantin, p. 21 n. 3.

[4] Canterbury Reg. G., fo. 196. He also possessed a Bible, a copy of the letters of Peter of Blois and Quintilian's *Liber Declamationum*. Another unoriginal lawyer-bishop would seem to have been Michael Northburgh.

doyen of the corps of Cambridge men was William Bateman, D.C.L., bishop of Norwich. Prior Lawrence of Norwich calls him 'utriusque iuris peritorum flos precipuus'.[1] He was the most notable of the royal envoys in the negotiations of the first decade of the French war:[2] his legal training doubtless served him well when dealing with the skilled French and Papal lawyers. Bateman stood in the forefront of the movement which was bringing Cambridge into prominence for the first time. He himself was responsible for the foundation of Trinity Hall and helped Corpus Christi and Gonville when they were in low water.[3] It is worth making a short digression to discuss his household. For though it is not to be compared with that of Richard of Bury,[4] it was also a training ground of future bishops. It contained John Paschal, successively bishop of Scutari and Llandaff. He was for a time Bateman's suffragan[5] and later that of Hamo Hethe, bishop of Rochester.[6] Again it was as a member of Bateman's household that there occurs an early notice of another East Anglian and probably a Cambridge man, Simon Sudbury, later bishop of London and Edward's last archbishop of Canterbury. He was serving Bateman between July 1345 and February 1349.[7] He incurred the royal displeasure on Bateman's behalf and, as a result, fled to the Curia,[8] to which Bateman could have given him useful introductions. Whittlesey was the first Cambridge man to reach the highest

[1] For Bateman cf. A. H. Thompson, 'William Bateman, bishop of Norwich, 1344–55', *Norfolk and Norwich Archaeological Journal*, xxv (1935–37), 102–37; *Dictionnaire de l'Histoire et de la Géographie Ecclésiastique*, ed. A. Baudrillart and others (1930–) *s.v.* Bateman.

[2] Thompson, *art. cit.*, pp. 105–9, 111–13, 131 n. 6 and 132; *Dict. Hist. Géog. Ecc.*, vi. 1315. He served Edward III on at least seven embassies between 1348 and 1355.

[3] F. Blomefield, *An Essay towards a Topographical History of the County of Norfolk* (London, 1805–10, 1929; Lynn, 1862), iii. pt. i, pp. 509 and 512; *Dict. Hist. Géog. Ecc.*, vi. 1315.

[4] For Bury and his household see N. Denholm Young, 'Richard de Bury', *cit. supra*, p. 117, n. 4, 135–68.

[5] *D.N.B.*

[6] In 1349: *Registrum Hamonis de Hethe, Episcopi Roffensis, 1319–1352*, ed. C. Johnson (Canterbury and York Soc., 1914–50), ii. 845, 849 and 850.

[7] *Memorials of St. Edmund's Abbey*, ed. T. Arnold (Rolls Ser., 1890–96), iii. 63–5; *Registrum Simonis de Sudbiria*, ed. R. C. Fowler and S. C. Ratcliff (Canterbury and York Soc., 1916–), ii, pp. vii-viii.

[8] *Cal. Pap. Lett.*, iii. 304–5; *Cal. Pap. Pet.*, i. 169. He became papal auditor by 5 July 1349: *Reg. Sudbury* (*London*), ii, pp. vii–viii.

rank: he was archbishop of Canterbury from 1368 to 1374. After leaving Peterhouse he entered the household of his uncle, Archbishop Islip.[1] He held at one time or another the positions of personal envoy to the Curia,[2] chancellor and commissary general of the Court of Canterbury.[3] Of the three other Cambridge bishops all were theologians and friars. Two were Dominicans, Lisle and Ringstead, and one, Paschal, was a Carmelite. Lisle and Ringstead reflect the contemporary liveliness of the Cambridge house of Friars Preachers, although Lisle had begun his career at the Order's Winchester house.[4] Ringstead was the most interesting of the three for he was a scholar in his own right as well as a patron of scholarship. Several copies of his readings on the Sentences survive. A copy of his readings on the Proverbs existed in the library of Canterbury College.[5] These were certainly given as lectures at Cambridge.[6]

A few members of the hierarchy owed something to their training in Italy or France, although there is no clear single case of a man who completed the full course at a foreign university. Of those who had been to Italian universities the most interesting is probably Thomas Fastolf. He had licence to study for seven years from 1328[7] and is found in receipt of letters dimissory for ordination in Italy (where he was studying in October 1339).[8] Ralph Stratford, bishop of London, had studied at Bologna.[9] Bateman certainly believed in an Italian education. Three of his kinsmen were sent to read civil law at Bologna.[10]

[1] Cf. *Cal. Pat. R., 1350–1354*, p. 11; Reg. Islip, fo. 38v.

[2] Cf. *Cal. Pap. Pet.*, i. 211–12. [3] Reg. Islip, fos, 68v, 114, 200.

[4] *The Registers of John de Sandale and Rigaud de Asserio, Bishops of Winchester, 1316–1323*, ed. F. J. Baigent (Hampshire Rec. Soc., 1897), p. 510 n. 1.

[5] W. A. Pantin, *Canterbury College, Oxford* (Oxford Hist. Soc., 1948–50), i. 21.

[6] For the commentary on the Sentences see F. Stegmüller, *Repertorium com. in Sent. Petri Lombardi* (Wurzburg, 1947), no. 907. For the commentary on the Proverbs cf. MSS. Oxford, Bodl. 829 (2720), Lincoln College 86, London, British Museum Royal 2.F.VIII. This was certainly a set of Oxford lectures probably given in the academic year 1347–8. I owe these references and suggestions to the kindness of Miss Smalley.

[7] Reg. Ayrmin (Norwich), fo. 93. [8] *Ibid.*, fo. 103v.

[9] P.R.O./31/9/17a, fos. 18–18v. I owe this and the two previous references to the kindness of Mr. A. B. Emden.

[10] *Cal. Pap. Pet.*, i. 13, 31, 73.

Among Edward's bishops the most outstanding graduate who made the time honoured journey from Oxford to Paris was Grandisson whom we have already noticed in another connection. As he tells us himself in a letter to Benedict XII, he had studied at Paris under Benedict [1] when, as James Fournier, he had been one of the most important theological teachers there. Grandisson's love of learning can be seen in his attempts to make Exeter a centre of theological study [2] and by the knowledge we have of his books and literary patronage. He is known to have compiled works of his own.[3] Three other bishops who studied at Paris were John Trilleck, Gravesend and Gilbert. Gilbert's case is peculiar. He found it necessary while studying theology to transfer from Oxford to Paris in 1366. This was because he had incurred the anger of the Oxford authorities. He had prosecuted a suit at the Curia on behalf of the Dominicans. The pope allowed him to transfer without losing status.[4]

Much has been made of the unlearning of some of the bishops of Edward III's reign. The ignorant bishop was, however, as the figures for graduate bishops show, quite untypical. Too much attention has been paid to the famous *dictum* of Clement VI that he would promote an ass to an English see did the English king but desire it.[5] The outstanding cases of lack of learning are those of Stretton, Hatfield and Buckingham. The supposed case against Lewis Beaumont has been shown to depend far too much on the unsupported allegations of Robert Graystanes who is not a reliable witness.[6] The slighting sneers put about by Archbishop Neville concerning the ignorance of Hatfield would be equally open to suspicion,[7] were they not to some extent confirmed by innuendoes made at the time of his election by Clement VI and the cardinals. The clerks of the papal court several times refer to

[1] *Reg. Grandisson*, iii, p. v. [2] Cf. Pantin, pp. 113–16

[3] He was the author of a life of Becket and compiled two volumes of *Legenda*, a Pontifical and a book of masses of the Virgin. For his patronage of learning see F. Rose Troup, 'Bishop Grandisson; student and art-lover.' *Reports & Trans. Devon. Arch. Ass.*, lx (1928), 239–75.

[4] *Cal. Pap. Pet.*, i. 536.

[5] *Chronicon Anglie, 1328–88*, ed. E. M. Thompson (Rolls Ser., 1874), p. 20.

[6] K. Edwards, 'Bishops and Learning', pp. 62–5. Miss Edwards also deals with the case of Burghersh.

[7] *Cal. Pap. Pet.*, i. 472.

Hatfield as master, but it is doubtful whether he had taken a degree.[1] There were real difficulties about Stretton and Buckingham. Stretton was twice examined and twice found wanting, once at Avignon and once by Archbishop Islip and Bishop Sheppey of Rochester.[2] Only at the third attempt was he passed. His difficulty may have been blindness or short-sight. Only one book—an unannotated missal—is referred to in his will.[3] There was a delay of at least 16 months between the time of his election and the provision of 22 April 1360.

Doubt was cast by Urban V on the sufficiency of learning of John Buckingham in 1362 when Lincoln was vacant. Buckingham, the keeper of the privy seal, had been put forward as the royal candidate.[4] Urban suggested that the proposed bishop should come to Avignon to be examined. The king, however, told the pope that Buckingham was too valuable an official to be spared. In the end he was examined and passed by a commission of three Benedictine abbots at St. Bavon's monastery in Ghent.[5] As a result Buckingham secured his provision on 25 June 1363.[6] The abbots seem to have been justified. At least Courtenay chose the bishop of Lincoln as one of the main members of the Blackfriars synod of 1382,[7] and a certain interest in learning is suggested by his benefaction to New College.[8] Another bishop against whom there stands an accusation of ignorance was Robert Wyville, bishop of Salisbury, described by Murimuth as 'viro utique illiterato et minime personato'.[9] Murimuth is usually a chronicler of repute and there is no other evidence to suggest that the accusation was tendentious.

To sum up. The first point about the Edwardian hierarchy is its diversity. No single type of bishop predominated. It is true that, with the possible exception of Gilbert, no alien bishop was to be found. Yet the prevailing impression is one of the richness

[1] There is a total absence of books among his effects described in a long will, *Wills and Inventories* (Surtees Soc., 1835), i. 37–8.

[2] *Anglia Sacra*, i. 44, Reg. Islip, fo. 163.

[3] Reg. Courtenay (Cant.), fo. 211.

[4] *Cal. Pap. Lett.*, iv. 1.

[5] *Ibid.*, pp. 34–5.

[6] *Handbook of Brit. Chron.*, p. 156.

[7] H. Workman, *John Wyclif* (Oxford, 1926), ii. 254.

[8] H. Rashdall and R. S. Rait, *New College* (London, 1901), pp. 55, 238.

[9] *A. Murimuth Continuatio Chronicarum*, ed. E. M. Thompson (Rolls Ser., 1889), p. 60.

of the pattern of experience. The permanent civil servants in no way predominated being, indeed, less strongly represented than they had been in the reign of Henry III. It was the importance of the ministers of the Crown which had increased. What was important was to catch the eye of the people who mattered and especially of the king. The royal justices of the thirteenth century —men like Cornhill, Raleigh and Herbert le Poore—had no fourteenth-century equivalents. One of the outstanding features of Edward III's hierarchy was the high proportion of graduates. The unlearning of three or four bishops should not be allowed to obscure the competence of the vast majority. Among this majority the lawyers were far outstripping the theologians. The influence of Cambridge also for the first time appeared. Other great households than the king's made themselves felt on the episcopal bench, those of Lancaster and the Black Prince. The pope and the papal court were still not to be written off. A small group of former auditors, chaplains and penitentiaries became bishops. The secular clergy constituted an influential and learned group not to be overlooked. The aristocrats shared for the most part the common experience of a distinguished university career. They were scarcely more strongly represented than they had been in the thirteenth century. They were a small category, numerically the equivalent of the seculars.

The actual appointments of the bishops during the reign of Edward III is a subject which cannot here be examined in the detail with which Mr. Smith has treated the episcopal appointments of Edward II.[1] Some general observations, however, may be made. The régime of Isabella and Mortimer can only be shown to have affected decisively the appointment of one bishop—Robert Wyville, bishop of Salisbury. He had been formerly Isabella's clerk and secretary whom she had tried unsuccessfully to get appointed at Bath and Wells in 1329.[2]

The reign of her son saw a complete change from appointment by canonical election and royal confirmation to a system of papal provision coupled with an oath to the king in which certain words in the bull were renounced. After 1344 papal provisions of bishops which had become increasingly common since the beginning of

[1] Smith, *Episcopal Appointments*.
[2] Le Neve, *Fasti*, ii. 600 (Rot. Rom. 3 Ed. III, m. 4).

the century became, with the exception already noted, invariable. The importance of this change was not at once realized by contemporaries. Elections continued to be carried out with full formalities quite late in the century as at Worcester in 1373 and especially at Canterbury.[1] But in English sees at least there was little hope that the canonically elect would secure provision unless he was also powerfully supported outside the chapter. The king for his part did not include bishoprics within the scope of his anti-papal legislation.

A working compromise had been established between pope and king early in Edward II's reign and continued to be effective throughout that of his son. But whose candidates were in fact chosen? The answer is sufficiently complex even for the examples where the evidence is clear. From the date when Edward III established secret contact with John XXII early in 1330 a great many choices were undoubtedly those of the king in which the pope concurred. But as has been suggested, there were other important lay and ecclesiastical influences which were respected at the Curia. In any case the pope and cardinals might choose in anticipation a royal clerk or the favourite of a nobleman. They thereby indicated that, although they thought it important that a bishop should be acceptable to those who mattered politically, they did not think it essential to consult the lay powers. Beyond that the pope is found staking out a small corner of the field of episcopal patronage for his own men. This he could do in less important sees or when a series of translations gave him a special opportunity. But it cannot be proved that the increased numbers of translations were a direct attempt by the papacy to increase its control of episcopal patronage. Indeed, they may have been prompted by a desire to promote the successful. Finally, account should be taken of the differing attitudes of the different popes. The Avignonese popes are too often written off as though they spoke with a single servile voice. John XXII was by far the most independent. But Innocent VI and Urban V were not afraid of standing up for principles and were markedly less compliant towards the king than Clement VI.

[1] *Sede Vacante Register of Worcester*, ed. J. W. Willis-Bund (Worcs. Hist. Soc., 1893–7), iv. 290–1. For Canterbury see Canterbury Reg. G, fos. 30v (1348), 61–3 (1349), 108–14 (1349), 120v–122 (1366), 172v–176v (1374).

If this analysis has led us to certain clear conclusions about the hierarchy the method tells us very little about the changing position of the bishops in relation to the state. The men whom we have been examining as in a kaleidoscope were also being subjected to very important if slow-moving changes. These were affecting them throughout the reign of Edward III. In the remainder of this paper an attempt will be made to discuss two of these changes which affected deeply the bishops of the reign of Edward III.

The first tendency concerns the impact of the Scottish and French wars upon the bishops. For it is not to be supposed that Edward's wars, always his main preoccupation, did not affect the bishops. To be a soldier was still an asset in a bishop of Durham or Carlisle or an archbishop of York. The Odo of Bayeux of the period was Thomas Hatfield, bishop of Durham. He rode with the king's division at Crecy soon after his appointment.[1] He went forward with the king on his last Scottish campaign in 1356.[2] Between that date and 1377 he was constantly employed on commissions on the Border.[3] In 1372 he offered his services to Gregory XI as a kind of *condottiere*,[4] but the king refused to allow him to leave the country.[5] Archbishop Zouche of York was actually in command at the battle of Neville's Cross in 1346 when the most serious Scottish incursion of the century was utterly defeated.[6] He was assisted by John Kirkby, bishop of Carlisle. The scene is memorable. It took place at Bear Park at Durham. The monks of the cathedral priory, watching from a neighbouring tower, sang the *Te Deum* as the English gained the upper hand. Another military bishop whose diocese, despite the Peasants' Revolt, did not offer him sufficient scope for his warlike ambitions, was Henry Despenser, bishop of Norwich. He too offered his services to the pope—in this case to Urban VI.[7] The result was the disastrous

[1] He sailed with Edward from Portsmouth on 11 July 1346 (*Murimuth*, p. 199). For his part at Calais see G. Wrottesley, *Crecy and Calais* (London, 1898), p. 34.

[2] *Rot. Scot.*, i. 788; R. Rait, *Relations between England and Scotland, 500–1707* (London, 1901), p. 73.

[3] *Rot. Scot.*, i. 896, 923, 939, 945, 951; ii. 2.

[4] *Cal. Pap. Lett.*, iv. 98.

[5] *Foedera*, III. ii. 936.

[6] *Chronicon H. de Knighton*, ed. J. R. Lumby (Rolls Ser., 1889–95), ii. 42–43; cf. *Victoria County History of Durham*, ii. 98.

[7] E. Perroy, *L'Angleterre et le Grand Schisme* (Paris, 1933), p. 176.

expedition known as Despenser's Crusade in 1383.[1] In less spectacular fashion the bishops of Winchester and Chichester and the archbishop of Canterbury played important roles when they put the southern counties into a state of defence on the threat of French invasions.[2] Archbishop Islip was well qualified to do so: he had taken his retinue to Calais in 1347.[3] Wickham supervised the building of defences along the edges of Southampton Water.[4] Some bishops had seen service in France before their appointment. Bradwardine as a royal chaplain had been on the Flanders campaign of 1338.[5] Michael Northburgh (bishop of London, 1355–61) is the author of the lively correspondence written into Murimuth's chronicle to describe the Crecy campaign of which he was an eye-witness.[6] His letters show that he had a keen eye for strategy and a ready appreciation of the art and practice of war.

The second change concerns the metropolitans. For the reign of Edward III saw, in my opinion, the gradual tailing away of the long line of independent and outstanding leaders of the church. This line had stretched with some intermissions between the appointment of Lanfranc in 1070 and the death of Stratford in 1348. The first two archbishops of Canterbury of the reign did not fear to stand up to Edward III. Meopham was not afraid to denounce in vigorous terms the abuse of royal rights of purveyance in the pamphlet known as the *Speculum Edwardi Tertii*. His successor, John Stratford, saw himself rather self-consciously as Becket's disciple, in the great struggle with the king in 1341.[7] He defended himself vigorously against the scandalous royally inspired document known as the *Libellus Famosus*. Stratford lived to be reconciled with Edward III, who was unwilling to pander to the archbishop's desire literally to follow in the steps of Becket. But, I suggest, the king learned the lesson of 1341. He decided to

[1] E. Perroy, *L'Angleterre et le Grand Schisme* (Paris, 1933), pp. 166–209 and cf. M. R. Coulborn, 'Economic and Political Preliminaries of the Crusade of Henry Despenser, bishop of Norwich', *Bulletin Inst. Hist. Res.*, x (1932), 42–6.

[2] *Foedera*, III. i. 472 (1359–60), Reg. Whittlesey (Cant.), fo. 162.

[3] Wrottesley, *Crecy and Calais*, p. 201.

[4] *Foedera*, III. ii. 988 (1373).

[5] Tout, *Chapters*, iv. 114 n. 4.

[6] *Murimuth*, pp. 358–60.

[7] Cf. G. Lapsley, 'Archbishop Stratford and the Parliamentary Crisis of 1341', *E.H.R.*, xxx (1915), 6–18, 193–215; B. Wilkinson, 'The protest of the Earls of Arundel and Surrey in the crisis of 1341', *id.*, xlvi (1931), 177–93.

make certain that there was to be no recurrence of opposition from an archbishop when the time came to fill up Stratford's place in 1348. In short, I think Edward III succeeded where Henry II failed. His first two candidates for the vacant see, Offord and Bradwardine, had both been proved in the royal service. When both died he found a third, Islip, who was at the time his keeper of the privy seal. Islip proved an archbishop willing to do his bidding. It can, I think, be proved that Islip's appointment was no mere happy accident. For when York fell vacant in 1352 the king saw to it that another of his old keepers of the privy seal, Thoresby, became archbishop of York. The immediate result was the ending of the great rivalry between Canterbury and York which had lasted since the days of Theodore. The settlement took place with the personal encouragement of the king.[1] It is hardly surprising that his two former keepers of the privy seal should have found no difficulty in solving what had for so long been an intractable problem.

Respectability and above all loyalty to the Crown were the hall-marks of the archbishops who followed Islip. Langham (1366–8) had hardly long enough to be effective.[2] His successor Whittlesey—Islip's nephew—maintained his uncle's tradition of intense loyalty to the king. As a permanent invalid he might not in any case have been expected to take a strong line. To pass from the comparatively unknown to a more familiar figure, Sudbury was, of course, the archbishop who lost his head on Tower Hill during the Peasants' Revolt in the next reign. He lost it because he was a royal minister held personally responsible for the misrule of the country. He had, in short, served the state so faithfully that he was thought of primarily as a government minister and only in the second place as an archbishop. Nor did the four archbishops of York, Melton, Zouche, Thoresby and Neville, show any desire to take over the direction of the English Church in the absence of a strong lead from Canterbury.

The weakening of the position of the metropolitan as the leader of the Church can be matched in other spheres, into the detail of which I cannot now go.[3] One of them concerns the

[1] Wilkins, *Concilia*, iii. 31–2.

[2] Cf. J. Armitage Robinson, 'Simon Langham, Abbot of Westminster', *Church Quart. Rev.*, lxvi (1908), 339–66.

[3] I hope to do so on another occasion.

browbeating of convocation by the metropolitan so that it should make grants of war taxation to the king. This is preferred to the defence of the interests of the lower clergy.[1] Another is the sphere of relations between the archbishop and the bishops of his province. Again, in many ways the whole bench finds its position much more taken for granted by the Crown. One may contrast the dramatic seizure of the bishop's temporalities after *Clericis Laicos* with the casual seizure of those of Grandisson in 1350 [2] or with the little notice taken in 1372, when all the bishops of the southern province had their temporalities laid hold of.[3] This development was closely related to the less critical loyalty of the archbishops, especially after 1349. They became more like permanent government servants and less like independent churchmen. In the march towards the state-controlled church there was a long and decisive step forward in the reign of Edward III. Not until Courtenay and Chichele were dead was that process virtually completed, but the fifteenth-century prelates were to show how catching was the example of their fourteenth-century predecessors. In the mirror of the policy of Islip, Whittlesey and Sudbury can be seen the foregone conclusion of Warham's dilemma in 1532.

[1] The only defence of the interests of the lower clergy by a prelate in the second half of the reign was that made by Courtenay as bishop of Hereford in the convocation of 1374. It was quite exceptional.

[2] Cf. *Cal. Pat. R., 1348–1350*, p. 559; *id., 1350–1354*, p. 191.

[3] P.R.O./E.159/148/236.

THE EXPANSION OF LIVERPOOL'S CARRYING TRADE WITH THE FAR EAST AND AUSTRALIA 1860–1914

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I

THE story of Liverpool's carrying trade with the Far East and with Australia embraces many fields of human endeavour and is of interest in demonstrating how individuals in the exercise of their functions as entrepreneurs, merchants and shipowners can adapt their ideas and influence the course of a country's economic growth.

The investigation which we propose to make is concerned as much with the economic as with the historical aspect of the growth of the carrying trade. It is composed of many separate threads, each of which is of great interest by itself, beginning with the technical improvement of the steamship to the point where it was not only possible to send a steamer from Liverpool to the China coast but also so to reduce the cost of working the ship that it could compete on favourable terms with the sailing ship; secondly, it comprehends a break with the established forms of commercial organization by the creation of a new commercial structure based upon a wider concept of the way in which British capital could develop trade with vast potential markets overseas; thirdly, it is much concerned with the growth of competition between rival British and foreign shipping lines and with the measures taken to control such competition; fourthly, it examines the importance of changes in effective demand for traditional products, changes which not only affected the physical content of cargoes, but which, in turn, necessitated the development of new sources of supply and the investment of capital on an increasing scale. Finally, it must be made clear that these various attributes of economic growth cannot provide an adequate explanation of expansion

unless they are put against the background of a changing pattern of Far Eastern and Australian trade balances with Britain and Europe. In such a context the enterprise of the individual in the initiation of trade is seen to be opportunist rather than absolute in character.

II

When one speaks of the expansion of Liverpool's carrying trade with the Far East one is primarily concerned with the history of one firm, that of Alfred Holt & Co.[1] Alfred Holt and his brother Philip established the Ocean Steam Ship Company (the Blue Funnel Line) in 1865 and, in April of the following year, their first steamship the *Agamemnon* sailed for Shanghai.[2] This voyage marked a turning point not only in the history of the iron steamship but also in the history of commercial relations between Britain and China.

Alfred Holt had served his apprenticeship as an engineer,[3] and during the 1850's he had turned his attention to the propulsion of the steamship. His main achievement as a marine engineer lay in his improvement of the compound engine. The early steamships of the 1830's and 1840's had all been uneconomical to operate because boilers were weak, steam pressures as a consequence were low (less than 15 lb. per square inch) and fuel consumption wasteful. In addition, the prospect of making such a ship return a profit was extremely remote as long as so great a proportion of the carrying space of the vessel had to be reserved for the fuel to drive it. It is not relevant here to trace the course of technical progress in marine engineering. All that need be said is that by the 1860's the practical use of the compound engine designed by Elder and Randolph and improved by Holt, gave the screw steamer a superiority over the sailing ship. After 1869, with the opening of the Suez Canal, the steamer eastward bound for India

[1] The author is indebted to Mr. Lawrence Holt for permission to quote from Alfred Holt's diary; to Miss Anne Holt for permission to read the diary of Sir Richard Holt and to Sir John Hobhouse and Mr. George Holt for the use of the records of the Ocean Steam Ship Company.

[2] Holt MSS., Alfred Holt's Diary, 19 April 1866.

[3] Alfred Holt, *Fragmentary Autobiograpny* (Liverpool, 1911), pp. 16–17. Alfred Holt was apprenticed to Edward Woods, engineer of the Liverpool and Manchester Railway Co.

and China began to outpace the clipper. Alfred Holt's first ships were so ingeniously designed and so economically propelled that they could carry a cargo of 3,000 tons together with enough coal to drive them at 10 knots for 8,500 miles.[1] He achieved a boiler pressure of as much as 70 lb. to the square inch and a coal consumption as low as 2¼ lb. per horse-power per hour,[2] a performance which no other steamship in the China trade at that time could equal. While the fastest tea clipper took 90 days from Foochow to London, the Holt ships could cover the distance comfortably in less than 65 days. As a consequence the carriage of the bulk of the tea cargoes from China eventually passed from the clipper to the steamship.

In spite of these apparently overwhelming advantages in favour of the steamship it must be made clear that contemporary opinion was hostile to the introduction of the steamship on the China route. This was partly due to prejudice in the minds of merchants and sailing-ship owners; but more fundamentally to the initially high freight rates which steamship companies were induced to charge.[3] The advantage which the steamship had in speed was, therefore, offset by the relatively high charge for its service, and the existing prejudice against it was fortified on financial grounds. But not only were merchants and sailing-ship owners convinced that sail had very little to fear from steam; steamship owners themselves saw little or no prospect of profitable employment for steamships on long hauls. 'From what I hear', wrote William Brown to William Rathbone on April 11th, 1864,

> 'we are well out of the China steamer trade at present. Reid writes me that Russell & Co.'s line is at £50,000 debit in their books and instead of making a call they propose selling a steamer! Dents and Jardines have also, I hear, been selling some of their steamers to the Japanese, and Jardines are trying to sell *here* a new steamer just built which was intended for their China trade. They are expensive playthings in such a country.'[4]

Brown and Rathbone had had much experience of the economics of steamship operation and Alfred Holt, through his brother

[1] R. H. Thornton, *British Shipping* (Cambridge, 1939), p. 66. [2] *Ibid.*

[3] Minutes of the meetings of the Ocean Steam Ship Co. (hereafter cited Minutes O.S.S.Co.): First Circular, 16 January 1866.

[4] Rathbone MSS., Private correspondence 1852–1870.

Philip's association with William Rathbone,[1] knew something of the difficulties experienced by Rathbone in the China trade. Yet, in spite of this, he chose this precise time to launch the Ocean Steam Ship Company purely, as it seemed, on the strength of his faith in the steamer. 'The mechanical part of the problem [is now] proved', he wrote in 1866, 'the commercial one remains'.[2] To this extent at least did he realize that the solution of an engineering problem was in part only the solution of the wider problem of trading with China. On the commercial side he had neither the same degree of experience nor control as had been the case in the exercise of his function as an engineer. The means by which he and his brother achieved success in the commercial sphere of his Company's activity belongs as much to the history of British enterprise in opening up Pacific markets as to the history of Liverpool's carrying trade.

III

Much has already been written of the various ways in which British and foreign merchants extended their control over the trade of the Chinese mainland during the nineteenth century.[3] It is the story of the breakdown of traditional monopolies, of the extension of Treaty ports and the creation of foreign settlements there, of civil strife and exploitation and, finally, of concession hunting and active colonization on the part of the western powers which ended in the cession of vast territories from the administration of the Chinese government.

For Alfred Holt and for Liverpool the complications to trade arising from a confused political environment were less serious than those arising from an unstable economic system. From the beginning of his venture Holt discovered that it was relatively more difficult to carry goods out to China than to bring cargoes home. In the eighteenth century the lack of balance in the trade

[1] Rathbone MSS. Rathbone Bros. and Co. were part owners of ships run by Lamport and Holt, a firm in which Philip Holt was a partner.

[2] Holt MSS., Alfred Holt's Diary, 12 August 1866.

[3] See especially M. Greenberg, *British Trade and the Opening of China, 1800–1842* (Cambridge, 1951); G. C. Allen and Audrey G. Donnithorne, *Western Enterprise in Far Eastern Economic Development* (London, 1954); S. F. Wright, *China's Struggle for Tariff Autonomy* (Shanghai, 1938).

had to be made up by the continuous exportation of specie to China. By the first decade of the nineteenth century, however, as a result of the expansion of India's trade with China, the flow of precious metal was stopped. India began exporting large quantities of opium and cotton to China and, although she received in return raw silk, sugar and nutmeg, the balance was strongly in her favour.[1] Thus it happened that British purchases of China tea were paid for by Indian exports of opium and cotton, the triangle being completed by British exports of manufactured goods to India, by the freights earned by British ships taking part in the eastern trade and by the dues payable by Indians to the East India Company. This pattern did not change substantially until after 1870.

The chief connection between Liverpool and China in the years before 1852 had been through the firm of Rathbone, Worthington & Co. In this latter year, however, Rathbones had withdrawn from the firm, leaving the Worthingtons to join up with Birley & Co., a firm with a reasonably sound experience of the intricacies of Chinese trading practices.[2] Such China firms as Birley & Co. performed a variety of functions. In the first place they acted as agents on a commission basis for firms in England wishing to buy and sell on their own behalf.[3] They also entered into joint account arrangements with firms in England and America, each taking a share in a particular venture.[4] Finally, they often bought and sold on their own behalf as speculators, firms in England buying goods for them and despatching to China and, in return, supervising the sales of their Chinese products in England.[5] The China houses also dealt with such matters as insurance and shipping for their English correspondents and sent regular and detailed reports home of the local market conditions in China.[6] They handled ships sent out, supervised unloading and found freights and shipping space for the homeward voyage.

The remittance of proceeds on the sale of British products in China was in the form either of bills drawn by the China firms

[1] M. Greenberg, *op. cit.*; also S. B. Saul, 'Britain and World Trade, 1870–1914', *Economic History Review*, vii (1954), 50.

[2] Rathbone MSS., China correspondence, 1852.

[3] *Ibid.*, information collected from a series of letters to William Rathbone, 1852–56. [4] *Ibid.* [5] *Ibid.* [6] *Ibid.*

on their correspondents in England; by sending bills bought in China; or by direct purchases of such articles as tea and silk, which were then sent back to be sold in Liverpool or in London.[1]

But, with the growth of Indian business, the financial system on which the whole trade depended became more complex. In view of the lucrative nature of the opium trade an increasing volume of bills found its way into the hands of Indian agents.[2] As a result the old triangular balance of payments between China, India and Britain became seriously disturbed and many old-established firms such as Dents and Jardine, Matheson had to choose between trading in opium or carrying an increasingly large burden of outstanding obligations from Chinese merchants, a burden which in time of commercial crisis was a very real threat to their own financial stability.

Alfred Holt had no intention of allowing his firm's carrying trade to be handled by agents on the China coast who were in any way financially involved in the opium trade. Moreover, his conception of the rôle which his steamers were to play in Far Eastern trade was fundamentally different from that which hitherto had obtained. Shanghai, Hong Kong and Singapore were to be the keys with which he might unlock the vast potential markets on the Chinese mainland and in the East Indian archipelago. For his purpose he needed capable and energetic agents in these strategic centres who were not only closely identified with his aims and aspirations but who themselves were capable of showing initiative in the pursuit of new types of business.[3] After a brief and unhappy experience with two of the established houses Holt chose two comparatively unknown agent firms to act for him; the first of these was Butterfield and Swire, which had been established in Shanghai in 1867[4]; the second firm was that of Walter Mansfield & Co. at Singapore.[5]

[1] Rathbone MSS., China correspondence, 1852.

[2] *Ibid.* The Rathbone correspondence stresses the importance of the opium trade. For a contrary view, see Allen and Donnithorne, *op. cit.*, pp. 16–17, 21–2.

[3] Holt MSS., Alfred Holt's Diary, April 1867; also *ibid.*, July–August, 1875.

[4] J. H. Scott, *A Short Account of the Firm of John Swire and Sons* (London, 1914), pp. 2–3.

[5] A. Jackson and C. E. Wurtzburg, *The History of Mansfield and Company, Part I, 1868–1924* (Liverpool, 1953).

John Samuel Swire, the senior partner in the firm of Butterfield and Swire, not only understood the economic difficulties involved in making a steamship service pay its way in the China trade, he had also imagination and the faith to put his ideas to the test. Such was the range of his activity that within twenty-five years he had opened branch offices in fifteen of the chief ports in China and Japan and had built up strong trading connections with all the principal merchants in the interior of China as well as along the coast.[1] This success was largely the result of Swire's vision of the part which western capital might play in the economic growth of China. As early as 1867 he had recognized the importance of sending small steamers up the Yangtse River,[2] but it was not until 1872 that he was able to form the China Navigation Company with a capital of £360,000. Swire's small river-boats tapped rich markets and stimulated demand from areas far from the Chinese coast. A secondary line of small coastal steamers was started in the 1870's and the ships of this line, together with those of the China Navigation Company, piled up merchandise on the wharves at Shanghai, Hong Kong, Foochow, Swatow and other ports where the Blue Funnel ships could load for the homeward voyage. Like Jardine, Matheson and Co., Swire was also a pioneer in financing industrial undertakings in China such as sugar refineries, engineering works and dockyards.[3] Thus the interests of both shipowner and agent became closely identified with the development of China's trade.

Trade with the East Indian islands and with Australia was, however, an equally important part of the Holt programme. Singapore was the obvious base for this trade, and there Alfred Holt entrusted his business to the firm of Walter Mansfield. After 1872 this firm came increasingly under the influence of a Dutchman, Theodore Cornelis Bogaardt, whose knowledge of the peninsular and island trade was both accurate and extensive.

If John Swire was impelled to action by a desire to open up the interior of China by means of the steamer, Theodore Bogaardt was possessed with an equally urgent desire to establish a fleet of

[1] Scott, *op. cit.*, p. 20.

[2] *Ibid.* For steam navigation on the Yangtse River before 1872, see Kwang-Ching Liu, 'Financing a Steam Navigation Company in China, 1861–62', *The Business History Review*, xxviii (1954), 155–81.

[3] Scott, *op. cit.*, pp. 20–3.

steamers, based on Singapore, which might carry the lucrative cargoes of tobacco from Deli, rice from Bangkok, wool and ores from Western Australia and spices and sugar from Java and Borneo.[1] Within ten years Bogaardt, with the active financial assistance of the Holts to the extent of £80,000,[2] was managing a fleet of small steamships which plied to and from Singapore and acted as feeders and distributors to the Holt main cargo liners calling there. In this way Alfred Holt overcame the basic carrying problem and ensured, for his ships at least, reasonably full holds both outwards and homewards.

IV

The activities which have so far been outlined undoubtedly gave to Liverpool merchants some advantage over their London rivals in trading with the Far East. Up to 1880 the bulk of the cargoes shipped outwards had consisted of Manchester goods, while those from China had been mainly of tea, silk and general merchandise. In the tea race, for example, Holt's steamships sailing via the Cape of Good Hope had, by 1869, achieved a premier position, carrying well over 15 million lb. of new season's tea and putting it on the London market at least a week earlier than any other ship in the trade.[3] As a result, the demand for new season's tea was adequately met before the major part of the crop appeared in London and the price received for Holt's cargoes was 2*d.* per lb. higher than that on the later deliveries. But this kind of advantage was shortlived. The opening of a shorter route to the East via the Suez Canal, the steamship-building boom of the early 1870's and the impact of trade depression after 1873, coupled with a change in the pattern of trade, all combined to increase competition and reduce freight rates. During the 1880's and 1890's, therefore, the maintenance of Liverpool's carrying trade with the Far East was governed by a twofold policy: first, to minimize the serious effects of competition on the level of freight rates by means of a series of combinations among rival steamship owners, and

[1] Jackson and Wurtzburg, *op. cit.*, p. 2; also Minutes O.S.S.Co., *seriatim*, 1875–82.

[2] *Ibid.*

[3] Holt MSS., Miscellanea, Alfred Holt's Diary, 13 October 1869; also Ships' Journals, O.S.S.Co., 1869.

secondly, to reduce costs through the application of technical improvements to the steamship.

Before 1870 the Ocean Steam Ship Company had had to meet competition from two main rivals, the Peninsular and Oriental Company and the French company, Messageries Maritimes, both carriers of passengers and cargo to the Far East and subsidized for the carriage of mails. After 1873, however, they were joined by the Glen, Castle and Shire lines, all of which had fast modern ships to put on the route. In addition to this increase in steamship competition there was also the fact that, during the years from 1873 to 1896, there occurred successive trade fluctuations which adversely affected the United Kingdom's export trade. As far as the China trade was concerned there was no direct relationship between the general falling off in demand for United Kingdom exports and fluctuations in the size of the Liverpool cargoes. The aggregate Chinese demand for imported goods was maintained throughout the whole of the 1880's.[1] What did change was the content of the cargoes both outwards and homewards.[2] A fall in Chinese demand for heavy piece goods was largely offset by an increase in demand for machinery, railway equipment, steel products of all kinds and chemicals.[3] On the other hand, a switch in British demand from China to Indian tea after 1885 was counterbalanced by an increased demand for silk, tobacco, rice and other East Indian products.[4] But although there was no direct relationship between the general level of the United Kingdom's trade and the cargoes carried by the Holt ships, there was, nevertheless, an indirect influence. From 1875 to 1885 the profitability of the China trade itself caused fluctuations in the level of activity, for in times of depression shipping companies tended to transfer their unemployed tonnage from other routes to that between Britain and the Far East. Thus, the original trend towards excess capacity in shipping space on offer at Chinese ports and at Singapore became subject, over short periods, to violent inflation. At such times competition was greatly intensified, freight rates fell and

[1] *Report of the Royal Commission on Shipping Rings* (1909), Appendix III, gives a distribution of China's imports from United Kingdom, Germany, Holland, Belgium, France and the United States.

[2] Minutes O.S.S.Co., Reports of Annual General Meetings, 1881–91.

[3] *Ibid.* Twenty-sixth Annual General Meeting, 11 February 1891.

[4] *Ibid.*

earnings were reduced. In the first of these periods, for example, Holt's average annual net earnings from the main line steamers fell from £142,000 (1870–74) to £125,000 (1875–79).[1]

In such circumstances the rival shipping companies were forced in self-protection to take measures against interlopers. Under Swire's leadership a shipping Conference was arranged in 1879 in which the Holts, the Glens, the Castles, the P. & O. and Messageries Maritimes took part.[2] The essence of the agreement reached at this Conference involved the establishment of a system of equalized freight rates charged on the carriage of goods in Conference vessels, and the adoption of the principle of the deferred rebate.[3] Under this scheme the Manchester merchant wishing to ship cotton goods to China had to choose between sending his cargo via Liverpool, whence it would be carried in Conference vessels by virtue of the Holts' regional monopoly, or sending it to Glasgow or London, thereby incurring additional freight charges, where it could be carried by ships belonging to lines outside the Conference. In such circumstances the merchant really had very little choice. In addition, the weapon of the deferred rebate was a sufficiently powerful inducement to make him use Conference ships. The merchant, having agreed to ship his goods for a period of, say, six months, was credited with a sum equivalent to 10 per cent. of the aggregate freight paid over that period. This, however, only applied if, for a further period of six months, he continued so to confine his shipments.

Although the Holts were at first highly suspicious of the Conference system, they were quickly forced into an acceptance of its principles. The evidence from their own records supplied the answer to their doubts. In the period from August 1878 to May 1879 the Holt ships made a total of 29 voyages, carrying 55,000 tons of cargo at an average freight rate of 36*s*. per ton.[4] Against them they had nineteen voyages by competitors' ships sailing from London and Glasgow. From August 1879, when the Conference agreement became operative, to May 1880 the Holt ships

[1] Minutes O.S.S.Co., Reports of Annual General Meetings, 1870–80.

[2] Holt MSS., Swire correspondence, 1880–81; also *Royal Commission on Shipping Rings* (*1909*), Minutes of Evidence, 10 March 1908, Q. 16764, evidence of R. D. Holt.

[3] R. D. Holt's evidence, *loc. cit.*

[4] Holt MSS., Swire correspondence, John Swire to A. Crompton, 14 July 1880. Figures compiled from voyage account books.

made a total of 31 voyages, carrying 60,000 tons of cargo at an average freight rate of 42*s.* per ton.[1] In this period they had to face the competition of 35 voyages by other ships. In other words, in spite of greatly increased competition, in spite also of a fall in the volume of cargo carried after January 1880, higher average freight rates were earned. In general, the first full years' working of the agreement resulted in a rise of 16¾ per cent. in average freight rates over those earned in the previous twelve months.[2] If an analysis is made for the carriage of tea only, the figures are even more favourable, showing an increase of 65 per cent. on average freight rates from Shanghai and 85 per cent. from Hong Kong.[3]

There can be little doubt, therefore, that apart from any external pressure caused by the ebb and flow of the trade cycle, the Conference system helped to offset adverse trends in the level of freight rates resulting from an over-supply of tonnage on the China route. The principles embodied in the 1879 Conference were quickly applied to other routes, and a whole network of conferences, some highly complex in structure, was formed. We need concern ourselves with only one of these other agreements, that between Holts and rival Dutch companies engaged in the carrying trade between Amsterdam and the East Indies.

During the 1880's Bogaardt's fleet of ships based on Singapore found increasingly profitable employment in the trade with the Malay peninsula, Siam, Sumatra, Borneo, and Western Australia. Two rival Dutch companies, the Nederland and the Rotterdam Lloyd, were, however, in control of the lucrative trade with Java, a trade from which the Holt feeder ships had been rigorously excluded.[4] These two Dutch companies had watched the growing association between Holts and the Sumatra tobacco-growers with some concern, and, in 1880, they established a new company, Koninklijke Paketvaart Maatschappij (K.P.M.). This company provided a feeder service for the Nederland and Rotterdam Lloyd on much the same lines as Bogaardt's fleet served the Holt

[1] *Ibid.*

[2] Holt MSS., Swire correspondence, John Swire to Alfred Holt, 20 July 1880.

[3] *Ibid.*

[4] I. J. Brugmans, *Tachtig Jaren Varen met de Nederland, 1870–1950* (1950), pp. 21–2; also M. G. de Boer, *Een Halve Eeuw Paketvaart, 1891–1941* (1941), pp. 64–5.

main-line ships at Singapore. As the K.P.M. was based in Java, alternative ports to Singapore were thus created for the handling of an extensive through traffic to Europe. This by itself might not have affected the Holt fortunes adversely; but when, in 1891, the K.P.M., after concluding a through freight agreement with the Nederland and Rotterdam Lloyd, broke into the Sumatra and Penang trades, Holts were forced to take measures for the protection of their interests. In order to strengthen their competitive position, Holts created two new shipping companies; the first involving the expenditure of £100,000 worth of capital, controlled from Liverpool and managed by Bogaardt from Singapore, was called the East India Ocean Steam Ship Company.[1] Its fleet consisted of a portion of Bogaardt's original fleet together with some larger ships specifically purchased for the Moluccas trade. The second company was formed in Amsterdam in conjunction with the Dutch firm of J. B. Meyer. This company, the Nederlandische Stoomvaart Maatschappij Oceaan (N.S.M.O.), had a capital of 2,000,000 guilders, of which Holts subscribed three-quarters of the total.[2] Its fleet consisted of a number of the Blue Funnel ships put under the Dutch flag, and with them Holts started a direct service between Amsterdam and Batavia. The East India Ocean Steam Ship Company was able to provide a service as efficient as that provided by the K.P.M. in the insular trade; the N.S.M.O. had freedom of entry to Javanese ports and could compete there on equal terms with the Nederland and Rotterdam Lloyd.

The immediate effect of these measures was to intensify the struggle, but by February 1893 both sides had grown tired of rate-cutting and an agreement was concluded between Holts and the two main-line Dutch companies under which an equitable arrangement was made for the working of the Java trade, an arrangement that has never since been seriously disturbed.[3] It is true that Holts were not so successful in their attempts to crush the competition from the K.P.M. in the Penang and Moluccas trades, but whatever difficulty they may have encountered in these trades was a small price to have paid for the immense benefit they derived from freedom of entry into Java.

[1] Minutes O.S.S.Co., 31 December 1892.

[2] N.S.M.O. Papers, August, 1891; information supplied by Mhr. D. Rahusen, N.S.M.O., Amsterdam.

[3] De Boer, *op. cit.*, pp. 67–8.

It must not be inferred from the preceding account that because the various Conferences maintained agreement on freight rates rivalry between Conference lines was thereby eliminated. There was still considerable room for manœuvre within each Conference, and the company with the most efficient management and the most up-to-date ships was likely to retain a competitive advantage over other companies within the agreement.

During the 1880's Holts clung tenaciously to the iron ship of approximately 2,100 tons gross powered by a compound tandem engine. This type of carrier had given them a winning advantage over other steamships in 1870; but by 1885 new ideas were being adopted by other lines, incorporating the use of steel and the triple-expansion engine.[1] Even by 1880 the cost structure of the Liverpool ships compared unfavourably with those of the P. & O. For a P. & O. steamer of 3,020 tons gross register the total cost for navigation (including food for passengers, Canal dues and commission for management) worked out at 12*s.* 6*d.* per mile or 0·0496*d.* per ton per mile.[2] Applying the same method of calculation to the Ocean Steam Ship Company's ship of 2,100 tons gross, the cost per mile averaged 9*s.*, but the cost per ton per mile was 0·0514*d.*[3] The Ocean Steam Ship Company obviously had an advantage over the P. & O. as far as costs per mile were concerned; but if the calculations include speed and size of ship then the P. & O. were in the stronger competitive position. By 1892 the Holt fleet, in relative terms, had become obsolete; costs had risen and net earnings from the ships had fallen steadily from an annual average of £150,000 (1880–86) to £60,000 (1888–92).[4] Entrepreneurial conservatism had reduced the efficiency of the company to compete successfully with its rivals and, had it not been for the strength of their reserves, Holts might have gone out of business altogether.

Another complicating factor in the situation at this time arose from the growth of competition from shipping companies outside the Conference system. The China Mutual Company, founded in

[1] e.g. by the China Mutual Co.; see Minutes of China Shippers' Mutual Steam Navigation Co. (hereafter cited C.M.), 27 April 1885.

[2] Holt MSS., Swire correspondence, John Swire to Alfred Holt, 20 July 1880.

[3] *Ibid.*

[4] Minutes O.S.S.Co., Annual General Meetings, 1880–1892.

1882, is an example of such a company.[1] In 1884 its first ship sailed from Glasgow to Hong Kong, making the passage in 41 days. Within eighteen months it had four ships on the route, two of which were fitted with triple-expansion engines and one being built entirely of steel.

The progress of this new firm was remarkably steady. Trading connections were established in China and Japan and many Manchester merchants, some of whom had subscribed capital towards its establishment, transferred their business from Holts and Liverpool and began to ship their goods in China Mutual ships from Glasgow or London.[2] By 1889 the Company owned seven steamers and had a paid-up capital of £145,000, with a further £70,000 still uncalled.[3] This record of achievement had taken place notwithstanding the shipping depression and in the face of a powerful combination of interests in the China trade. At first the China Mutual ships had carried cargo at Conference rates,[4] but in 1887, after a very successful trading year, its directors felt strong enough to break away. 'Our relations in respect to that association known to you as the Conference', so ran the Annual report, 'has been strained to breaking point . . . we have been compelled to withdraw from our working arrangement'. In order to increase their strength they entered into an alliance with the Mogul Line.[5] Under the terms of this alliance the Mutual and Mogul ships, 'together with such additional steamers as might be necessary', were to run as one line both outwards and homewards.

This action was a direct threat not only to the carrying trade from Liverpool and Glasgow to China; it was a threat to the Conference system itself. The Ocean Steam Ship Company and the Glen line were forced to retaliate, and a bitter rate-cutting war followed. In 1888 freight rates on heavy cotton goods from Liverpool to China fell from 57*s.* 6*d.* to 22*s.* 6*d.* per ton, and on light cotton goods from 37*s.* 6*d.* to 20*s.*[6] In the following year the rate for heavy goods rose slightly, but that for light goods was cut to 15*s.* Although the rates improved for short periods during 1890, they did not rise above 42*s.* 6*d.*, and by April 1891 had

[1] Minutes C.M., First meeting, 2 January 1883.
[2] *Ibid.*, 30 January 1883.
[3] *Ibid.*, Seventh Annual Meeting, 15 April 1889.
[4] *Ibid.*, 24 July 1884.
[5] *Ibid.*, 18 April 1887.
[6] Minutes O.S.S.Co., February to December, 1888.

dropped again to 27*s.* 6*d.*[1] During the course of this rate war Holts had sent ships to Glasgow to compete with China Mutual ships for cargoes on the berth.[2] But the fierceness of competition was such that both Holts and the China Mutual suffered grievous loss. Holt's annual net earnings from voyages declined between 1888 and 1892 from £66,000 to £27,500;[3] the China Mutual's earnings were even more disastrously affected, and finally, a point was reached where neither side could carry on the struggle. In 1891 a temporary agreement was made for outward cargoes. This was superseded in 1894 by a completely new outward Conference agreement to which Holts and the China Mutual were signatories.[4]

Competition apart, however, the outward and homeward cargoes were being adversely affected by changes in demand. The outward cargoes were becoming more diverse in character, consisting not as formerly entirely of Manchester and Yorkshire goods, but of scrap iron, chemicals, machinery, marine boilers, iron houses, railway equipment and iron bridges.[5] The changes in homeward cargoes were equally remarkable and fundamentally were caused by the loss of the tea trade to Indian suppliers. Thus it became necessary to devise a ship capable of carrying and handling large, awkward and heavy packages on the outward voyage and of returning with alternative cargoes to tea, such as sugar, rice, timber, sago and wool.

With these objects in mind the Holt Managers wisely and courageously embarked upon a complete change of policy involving a radical reorganization and rebuilding of their fleet.[6] This rebuilding was to be spread over nearly twenty years and to cost well over £2,000,000.[7] The old iron steamer of 2,000 tons gross was replaced by one of 7,000 tons built of steel and driven by a triple-expansion engine, and in the early 1900's as a direct result of the work of Henry Bell Wortley, a new type of ship of revolutionary design was perfected.[8] This new class of ship averaged

[1] *Royal Commission on Shipping Rings*, Appendix XV.
[2] Minutes O.S.S.Co., 16 February 1887.
[3] *Ibid.*, Accounts, February, 1889 and February, 1893.
[4] *Royal Commission on Shipping Rings*, Minutes of Evidence, R. D. Holt, Q. 16764.
[5] Minutes O.S.S.Co., 11 February 1891.
[6] *Ibid.*
[7] Minutes O.S.S.Co., compiled from successive costings, 1891–1913.
[8] *Ibid.*, 7 February 1906.

10,000 tons gross; it was built of steel and the main weight of its decks was supported not as hitherto by iron pillars but by steel girders.[1] The advantages of such a design are obvious; the space in the holds was greatly enlarged and freedom of movement in the stowing of bulk cargo was achieved.

In many respects, therefore, the Ocean Steam Ship Company came out of the prolonged shipping depression with increased strength. It had reached agreement with its competitors in both the main line and the Moluccas trades; it had secured a footing in the Java trade and, by a comprehensive change of policy, was about to equip itself with a fast new fleet of cargo liners capable of extending the range of Liverpool's carrying trade throughout the whole of the Pacific Ocean.

V

The tide of the Far Eastern shipping depression turned in the middle of 1893 and from that time until 1914 the trend of Liverpool's share in the carrying trade of the Pacific was in an upward direction. Of the new ventures undertaken by Holts during these years none was more important than the establishment of a direct shipping service between Liverpool and the chief ports of Australia.

We have already referred to Bogaardt's efforts to build up a carrying trade between Singapore and Western Australia. No attempt, however, had been made to serve the main ports of Adelaide, Melbourne and Sydney; it was not until 1898 that consideration of an extension of the line to these ports became possible. In that year Alfred Holt was approached by a powerful group of Australian agents known as the Syndicate,[2] and was asked to start regular monthly sailings to Australia, the constituent firms in the Syndicate agreeing to act as agents in the chief ports. The outward trade was to consist mainly of fine cotton piece goods, the homeward trade of wool, general merchandise

[1] Minutes O.S.S.Co., 7 February, 1906.

[2] Holt MSS., Papers relating to the firms of Gilchrist, Watt and Sanderson Pty., Ltd., of Sydney; George Wills & Co., of Adelaide; and John Sanderson (Shipping) Pty., Ltd., of Melbourne; also Holts Bulletin, 'A History of "The Syndicate",' January, 1955.

and fruit. Holts accepted the Syndicate's proposal and proceeded to lay down ships fitted with refrigeration holds to accommodate the carriage of perishable goods. But the Australian demand for fine cotton piece goods presented them with a difficult problem. Their main cargoes of textiles from the Mersey had always consisted of coarser rather than of finer piece goods, and in order to meet the Australian demand it became necessary for them to establish a berth at Glasgow, a task which was made the more difficult by the existence there of lines engaged in the Australian trade.[1] The Holt Managers were thus faced with the prospect of having to make a reciprocal agreement whereby, in return for a berth at Glasgow, ships of other Glasgow lines might load in the Mersey.

The chief agency in Glasgow was undertaken by the firm of Aitken, Lilburn & Company, who in 1869 had taken over the management of the Glasgow Shipping Company.[2] The ships owned by this latter firm were all iron sailing ships designed for a regular service between Glasgow and Melbourne. In 1890, however, an opposition line of steamers, the Gulf Line, was founded in Glasgow, and Aitken, Lilburn, on behalf of the Glasgow Shipping Company, had been induced to negotiate an agreement with this new line for the chartering and the loading of their steamers.[3] At the same time the service was extended to include Sydney as a port of call.

When, therefore, Holts decided to enter the Australian trade, their first concern was to prevent a clash of competitive interests between Liverpool and Glasgow. After prolonged negotiation with Aitken, Lilburn & Co. and the Gulf Line, Holts were eventually afforded the right to load in Glasgow for shipment to Australia, the Gulf Line giving up its Glasgow berth in return for permission to load in Liverpool, Manchester and Bristol.[4]

So began an association which within a few years proved to be a highly profitable one for the Ocean Steam Ship Company. The first Holt ship to sail from Glasgow to Australia was the *Orestes* on February 2nd, 1901. She was followed by eleven other ships in that same year carrying overall 37,213 freight tons.[5] This

[1] Holt MSS., Papers relating to the Glasgow Shipping Co., and the Gulf Line, 1881–1910.

[2] *Ibid.* [3] *Ibid.* [4] *Ibid.*

[5] Minutes O.S.S.Co., 20 February 1902.

steamer cargo was approximately 40 per cent. of the total exported from Glasgow to Australia, the remaining 60 per cent. being carried in sailing ships.[1] In 1903 the Holt annual sailings were raised from twelve to fifteen, giving them the carriage of half the Australian outward trade, the other half being divided between the Glasgow Shipping Company's fleet and chartered sailing vessels. The competition from the steamer was, however, too strong for the iron sailing ship. The last Glasgow Shipping Company's vessel sailed for Australia on August 22nd, 1910; thereafter, until the coming of the Shaw-Savill Line, Holts had a complete monopoly of the carriage of cargoes from Glasgow to Australia.[2]

VI

By the first decade of the twentieth century the Holt organization had established itself not only as the chief Liverpool company carrying to and from the Pacific but also as one of the world's most powerful shipping lines. It had endeavoured and had succeeded, apart from the difficult years in the 1880's, in working its fleet at full capacity, first by the creation of feeder services, secondly by the elimination of wasteful competition, and thirdly by the opening up of new main line trades. It operated direct services from Liverpool to China and Japan, from Amsterdam to Java and from Glasgow to Australia. Its strength was manifest in the soundness of its financial structure, for since 1870 it had provided all its own capital for expansion out of earnings and reserve investments; it had even undertaken the onerous responsibility of underwriting its own ships.[3] But by 1902 it had become evident to the Managers that, in spite of reorganization, the Company had reached a point in its development where diminishing returns might begin to operate unless a still bolder policy of expansion were put into effect. As a result, therefore, a series of major decisions were taken mainly on the initiative of Richard Holt,[4] which transformed the Ocean Steam Ship Company into

[1] Holt MSS., Papers relating to the Glasgow Shipping Co. [2] *Ibid.*

[3] Minutes O.S.S.Co., 3 February 1875.

[4] Holt MSS., Richard Holt's Diary, 1893. Richard Holt made an extensive tour of Far Eastern stations in 1893 and returned with new ideas for the reorganization of the Company.

one of the most efficiently organized carrying companies of that time.

These decisions, which had the primary objective of reducing costs, involved the sale, in 1899, of the East India Ocean Steam Ship Company to the North German Lloyd for £100,000,[1] the re-creation of the Company in 1902 as a limited liability company,[2] the absorption of the China Mutual at a cost of £300,000,[3] the extension of shipping services to North China and Manchuria, the provision of docks and warehouses at Pootung, Kowloon and Hankow at a cost of nearly £650,000, and the speeding up of the reorganization and redesign of the fleet.[4]

The eastern fleet, though nominally controlled from Liverpool, had always been under the active management of Theodore Bogaardt. Under the terms of sale to the North German Lloyd, Holts retained the right to use the transhipment services of the fleet, thus at one and the same time safeguarding their interests at Singapore and relieving themselves of the financial burden of management. The acceptance of the principle of limited liability reduced their capital by £110,000 and gave the Holt interests a rather stronger control over the direction of the Company's affairs; while the absorption of the China Mutual not only added thirteen fast new ships to their fleet but enabled them to take over the China Mutual's carrying trade between China and North America.

The progress made during the years from 1871 can perhaps best be illustrated by reference to a few fundamental statistics. In 1884 the Holt ships carried outwards 85,000 tons of cargo; ten years later this figure had risen to 160,000 tons; by 1902 it had reached 294,000 tons. In the following year, as a result of the absorption of the China Mutual Company, the figure jumped to 430,000 tons, and by 1907 it had reached a total of 670,000 tons.[5] Over the same period the gross tonnage of shipping employed by Holts increased from 29,000 to 325,000. If these figures are read in conjunction

[1] Minutes O.S.S.Co., 7 February 1900.

[2] *Ibid.*, Special General Meeting, 7 May 1902.

[3] *Ibid.*, 11 February 1903.

[4] *Ibid.*, Reports of Annual Meetings, February 1902 to February 1909.

[5] *Royal Commission on Shipping Rings*, Minutes of Evidence, R. D. Holt's evidence, Qs. 16813, 16814.

with those in Table 1 in the Appendix something of the coincidence between expansion and reduction in costs becomes apparent. As one would expect, the net earnings from voyages show a fair degree of fluctuation and reflect the changes in the competitive pattern of the various trades engaged in by Holts. The figures for 1881 show the position under the first Conference, earnings from voyages being fairly well maintained, though gross expenditure per ton increased. The figures for 1891 show the precarious position of the Company as a result of freight wars and the growing obsolescence of the fleet, gross expenditure rising to a peak and earnings reduced to a disastrously low level. Thereafter, the effects of the new policy are plainly discernible; gross expenditure declined as new and speedier ships came into service and earnings were raised to a remunerative level within the Conference system.

Finally, if we turn to a comparison of average net earnings per voyage in each of the main trades between 1905 and 1913 (Table 2 in the Appendix), we shall see clearly the result of the decisions taken between 1900 and 1905.

In general, net earnings remained depressed between 1905 and 1909 but made a steady recovery between 1910 and 1913. On the other hand, all the trades did not follow this general pattern. The Java and Pacific trades, partly because of cyclical trends and seasonal variations, were subject to odd fluctuations; while the trade with Australia, apart from 1912, showed a consistent rise throughout the whole period. What is significant about these figures is the rapid rise in the average net earnings from the Australian and Pacific trades after 1909; in fact, the absolute rise was so great that by 1914 the Company's earnings were almost equally divided between those from the voyages to China and Japan and those from the voyages to other parts of the Pacific.

VII

The history of Liverpool's carrying trade with the Far East and with Australia between 1860 and 1914 thus covers a wide range of activity. Set against the background of fluctuations in international trade, it is governed by technological and economic developments which were fundamental to the progress of shipping as a whole. Above all, it is the history of men and of the impact

of their ideas upon the world about them and, whatever the influence of their actions on events may have been, none can deny that the magnitude of their efforts was on a world-wide scale.

By 1914 the Ocean Steam Ship Company had completed nearly fifty years of steamship management. Its fleet had grown from three ships, each of 2,000 tons gross, to one of sixty-nine, totalling 471,000 tons. The contribution of such a firm to the prosperity of Liverpool was matched only by its contribution to the prosperity of the nation at large; so that the mark of the ocean carrier, outward bound from Liverpool to the Far East and Australia, had become a symbol of efficiency whether it applied to ships, men, business ability or commercial enterprise.

APPENDIX

(*Source:* Minutes of the Meetings of the Ocean Steam Ship Company)

Table 1. *The Ocean Steam Ship Company, 1871–1906*

Year	Number of voyages	Net earnings from voyages £000	Average net earnings per voyage £000	Average gross earnings per gross ton £	Gross expenditure per gross ton £	Average net earnings per gross ton £
1871	32	164·1	5·1	19·0	10·86	8·14
1881	50	238·9	4·7	16·29	11·30	4·99
1891	72	44·9	0·62	12·74	12·06	0·68
1901	79	218·0	2·7	9·47	8·09	1·38
1905	82	352·2	4·3	9·25	7·54	1·71
1906	79	311·3	3·9	8·81	7·70	1·11

Table 2. *The Ocean Steam Ship Company*

Average net earnings per voyage in the main trades, 1905–13
(in £000)

Year ending Dec.	China and Japan	Java	Australia	Pacific (N. America)	Total number of voyages		Average net earnings per voyage	Index of total net earnings 1905 = 100
					Profitable	Unprofitable		
1905	5·45	2·16	—0·63	8·27	77	5	4·29	100·0
1906	4·31	2·25	0·85	9·56	76	3	3·94	88·4
1907	3·29	0·75	1·53	6·98	68	7	3·11	66·4
1908	3·28	1·34	1·79	5·92	83	9	2·93	76·8
1909	3·01	1·12	1·87	7·68	77	10	2·84	70·1
1910	4·45	0·76	4·02	9·48	82	9	3·94	101·9
1911	5·61	1·67	5·66	13·21	92	4	5·22	142·5
1912	6·04	1·93	5·17	12·17	88	5	5·50	145·3
1913	6·88	3·62	5·39	20·72	92	3	7·06	190·4

PRESIDENTIAL ADDRESS

By Professor H. Hale Bellot, M.A., F.R.Hist.S.

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THE LEIGHS IN SOUTH CAROLINA

'MY Lord Somebody', wrote a colonial pamphleteer in 1764,—'My Lord Somebody has a friend, who has a cousin who needs a place, or stands in somebody's way, and so we may come by a governor.'[1] What was said, justly or unjustly, about governors was believed likewise of the lesser officers of the crown. My subject is the history of two of these placemen, Peter Leigh (1711–59), chief justice of South Carolina from 1753 to 1759, and his son Egerton (1733–81), attorney-general from 1765 to 1781.

Osgood speaks of the appointment of Peter Leigh to the chief justiceship as 'one of the famous political deals of that period'.[2] McCrady regarded the appointments of chief justices for South Carolina from England as 'one of the chief means of alienating the sentiments of the people of the province from their love to the mother country';[3] and while, upon the face of the record, the appointment of Shinner[4] in 1762 was much the more scandalous,[5] McCrady attached peculiar importance to that of Leigh,[6] referring to him in his first volume as 'Mr. Peter Leigh, a discredited English barrister' and later as a person 'at least under

[1] *The Plain Dealer, or A Few Remarks upon Quaker Politics*, 1764, *cit.* W. R. Shepherd, *History of Proprietary Government in Pennsylvania* (Columbia Univ. Studies, no. 16, New York, 1896), p. 558 n. 1.

[2] H. L. Osgood, *The American Colonies in the Eighteenth Century* (4 vols., New York, 1924), iv. 274.

[3] E. McCrady, *The History of South Carolina under the Royal Government, 1719–1776* (New York, 1899), p. 261. Cf. *ibid.*, pp. 97, 469–70; *The History of South Carolina in the Revolution, 1775–1780* (New York, 1901), p. 172.

[4] Sometimes called 'Skinner'.

[5] McCrady, *op. cit.*, pp. 465–8; but cf. D. D. Wallace, *The History of South Carolina* (4 vols., New York, 1934), ii. 78 n. 8.

[6] McCrady, *op. cit.*, pp. 279, 538–9, 795–6.

suspicion of improper conduct in a former office',[1] although subsequently speaking of him on more than one occasion as 'a gentleman as well as a good lawyer'.[2] Wallace goes much farther, recalling Gadsden's exposure of the 'disreputable connections which secured his appointment'; in speaking disparagingly of the son, he refers to the 'unsavory father who discredited the South Carolina bench before him'.[3]

Peter Leigh was the fourth son and youngest child of Peter and Elizabeth Leigh of West Hall, High Leigh, in the county of Chester. Peter Leigh the elder (ob. 1719) was vicar of Great Budworth and held a mediety of the rectory of Lymme in Cheshire and the rectory of Whitchurch in Shropshire.[4] His wife, Elizabeth, was the daughter of Thomas Egerton of Tatton Park, younger son of John Egerton, 2nd earl of Bridgwater of the second creation.[5] The Leighs, long established at High Leigh,[6] were a much more ancient family than the Egertons, but the Egerton marriage brought them powerful connections; and their subsequent use of 'Egerton' as a Christian name both testifies to the store they set by it and facilitates identifications among a host of Leighs. Elizabeth Leigh's mother came of a prominent Buckinghamshire family, being the only daughter of Sir John Busby of Addington.[7] Her grandmother was the daughter of William Cavendish, 1st duke of Newcastle, and by that line she was descended from Bess of Hardwicke. Her great-grandmother, the wife of the 1st earl of Bridgwater, was a Stanley, and through her she could claim descent from the Cliffords and from Mary

[1] E. McCrady, *The History of South Carolina under the Proprietary Government, 1670–1719* (New York, 1897), p. 36; *S. Carolina under the Royal Government*, p. 281.

[2] McCrady, *S. Carolina under the Royal Government*, p. 533; cf. pp. 281, 465.

[3] D. D. Wallace, *The Life of Henry Laurens* (New York, 1915), p. 147, cf. p. 103 n. 3.

[4] Sir Bernard Burke, *A Genealogical and Heraldic History of the Landed Gentry of Great Britain and Ireland* (2 vols., 1871), ii. 774; G. Ormerod, *The History of the County Palatine and City of Chester* (3 vols., 1882), i. 456, 594 and plate facing p. 506.

[5] Ormerod, *op. cit.*, i. 446.

[6] *Ibid.*, i. 451–5; J. Burke, *A Genealogical and Heraldic History of the Commons of Great Britain and Ireland* (4 vols., 1823–8), iv. 530–3.

[7] Ormerod, *op. cit.*, i. 446; G. Lipscomb, *The History and Antiquities of the County of Buckingham* (4 vols., 1847), ii. 507–8.

Tudor, the daughter of Henry VII who was married first to Louis XII and then to Charles Brandon, duke of Suffolk. Her uncle, the 3rd earl of Bridgwater, married first a Cranfield[1] and then a Powlett:[2] her first cousin, Scrope, the 4th earl and 1st duke of Bridgwater, married first Elizabeth Churchill, daughter of the 1st duke of Marlborough, and second Rachel Russell, daughter of the 2nd duke of Bedford.[3] If she wanted to exercise influence on behalf of her children, she ought to have had plenty of it.

Elizabeth and Peter Leigh had four sons and five daughters. The eldest son, Egerton (1702–60), went up to Christ Church, Oxford, in 1721, and migrated to St. John's College, Cambridge, in 1728, proceeding LL.B. in 1728 and LL.D in 1743. In 1726 he entered the church, in which he had a career of some distinction. Holding the mediety of the rectory of Lymme (in the gift of the family) in succession to his father and the rectory of Middle in Shropshire, he became canon residentiary of Hereford, master of the hospital of St. Katharine at Ledbury, archdeacon of Salop and prebend of Bullinghope, ceding his rectories upon his institution to the vicarage of Upton Bishop in Herefordshire in 1749.[4] He married three times and had eighteen children;[5] his numerous offspring were notable for a variety of interesting achievements and connections.[6] John, Peter Leigh's second son, married Silence, daughter of John Wagstaffe of Manchester. There is an agreeable story of him riding down Deansgate and falling straightway in love at the sight of her picking cherries from a tree in her father's

[1] Elizabeth Cranfield, daughter of the 2nd earl of Middlesex.

[2] Jane Powlett, daughter of the 1st duke of Bolton.

[3] G.E.C., *The Complete Peerage* (13 vols., 1910–40), ii. 312, iii. 567, iv. 211–12; *Dict. Nat. Biog.*, *s.v.* Cavendish, Sir William (1505?–1557).

[4] J. Foster, *Alumni Oxonienses . . . 1715–1886* (4 vols., Oxford, 1888), iii. 836; J. Venn and J. A. Venn, *Alumni Cantabrigienses . . .*, Pt. i (4 vols., Cambridge, 1922–7), iii. 62; R. F. Scott, *Admissions to the College of St. John the Evangelist in the University of Cambridge* (4 pts. in 3 vols., Cambridge, 1893–1931), pt. iii, pp. 56, 415; J. Le Neve, *Fasti Ecclesiae Anglicanae . . .*, corrected and continued . . . by T. Duffus Hardy (3 vols., Oxford, 1854), i. 484, 497.

[5] Ormerod, *op. cit.*, i. 456; Burke, *Landed Gentry*, ii. 774.

[6] Burke, *loc. cit.*; Scott, *op. cit.*, pt. iii, p. 136; Foster, *op. cit.*, iii. 836; *Brasenose College Register, 1509–1909*: i, *List of Members* (Oxford, 1909), p. 353; *Dict. Nat. Biog.*, *s.vv.* Leigh, Egerton (1815–76), Abercomby, James (1776–1858), Smith, Robert (1752–1838).

garden.[1] They married in 1730, but their happiness was brief. John Leigh died in 1738, at the age of thirty-five.[2] His widow married in 1741 Robert Thyer, Chetham librarian and the editor of Butler's *Remains*.[3] She died, aged thirty-eight, in 1753, leaving of her twelve children only two survivors by her first marriage and a boy by the second, who himself died four years later at the age of fourteen.[4] Thomas, Peter Leigh's third son, went to University College, Oxford, and like his eldest brother entered the church. He migrated to Surrey, and established a branch of the family at Leatherlake House, Runnymeade.[5] Jane, Peter Leigh's third daughter, married the Rev. Sir John Head. Her husband's cousin and heir, Edmund Head, who succeeded as 6th baronet in 1769, settled at Charleston as a merchant about 1764, his firm succeeding to a large share of the business of Henry Laurens. He was chosen in 1776 as a delegate to the Provincial Congress, but refused to serve and became a loyalist.[6] He was the grandfather of Sir Edmund Walker Head who became governor-general of Canada in 1854.[7] Peter Leigh junior, the youngest son, born in 1711, entered the Middle Temple in April, 1732, and was called to the bar in November, 1734.[8] He married Elizabeth, the daughter of W. Latus of Manchester.[9]

[1] R. W. Procter, *Memorials of Manchester Streets* (Manchester, 1874), pp. 207–8; Ormerod, *op. cit.*, i. 456. [2] *Ibid.*, p. 208.

[3] *Dict. Nat. Biog.*; E. Ogden, 'Robert Thyer; Chetham's librarian 1732–1763', *Transactions of the Lancashire and Cheshire Antiquarian Society*, xli (1926), 90–136; 'Robert Thyer. Family letters and some speeches written for public recitation', *ibid.*, xlvii (1932), 58–83.

[4] Procter, *loc. cit.*; *The Private Journal and Literary Remains of John Byrom*, ed. R. Parkinson (Remains . . . the Chetham Society, xxxii, xxxiv, xl, xliv, 2 vols. in 4 pts., Manchester, 1854–7), ii. 60 n. 2; E. Ogden, 'Robert Thyer', *ut supra*, p. 95.

[5] Foster, *Alumni Oxonienses . . . 1715–1886*, ii. 837; Burke, *Commoners*, iv. 533–4; F. Turner, *Egham, Surrey. A History of the Parish under Church and Crown* (Egham, 1926), p. 217.

[6] G.E.C., *Complete Baronetage* (6 vols., Exeter, 1900–9), iv. 76–7; Wallace, *Life of Laurens*, p. 69; L. Sabine, *The American Loyalists, or Biographical Sketches of Adherents to the British Crown in the War of the Revolution* (Boston, 1867), p. 356.

[7] *Dict. Nat. Biog.*; D. G. G. Kerr, *Sir Edmund Head. A Scholarly Governor* (Toronto, 1954).

[8] H. A. C. Sturgess, *Register of Admissions to the Honourable Society of the Middle Temple* (3 vols., 1949), i. 312.

[9] *Vict. Cty. Hists., Lancaster*, v. 49 n. 107.

The Leighs were a family with lively intellectual interests. With his brother and his sister Lady Alice Egerton, afterwards Countess of Carbery and the patroness of Jeremy Taylor and Samuel Butler, Mrs. Leigh's grandfather, the 2nd earl of Bridgwater, had in his boyhood played before his own grandmother, the countess of Derby, in Milton's *Arcades* when it was first produced at Harefield; and these children played again in *Comus* when it was first acted at Ludlow Castle in 1634.[1] Egerton Leigh, Elizabeth Leigh's eldest son, was something of an antiquary, exchanging letters on antiquarian topics with Zachary Grey.[2] In their own neighbourhood the Leigh brothers were members of an active literary group which included Robert Thyer and of which the leading spirit seems to have been the poet and stenographer John Byrom,[3] a group which was strongly tinged with Jacobitism. Egerton Leigh and Byrom were Cambridge friends as well as being neighbours in Cheshire:[4] Byrom was in Cambridge when Leigh took his doctorate:[5] among their Cambridge circle was Edward Gibbon, the father of the historian.[6] Byrom and the Leighs were members of a club that met in Altrincham.[7] Peter Leigh among them was 'lawyer Leigh'.[8]

In March, 1744, just on ten years after his call to the bar, Peter Leigh became High Bailiff of Westminster, and as such returning officer for the borough. The nomination lay with the dean of Westminster, the appointment with the High Steward, but the office was one of profit and passed from holder to holder by sale and purchase. Leigh succeeded to John Leaver, 'who res. to him', no doubt for a suitable payment.[9] By virtue of this

[1] *The Life Records of John Milton*, ed. J. M. French (3 vols., New Brunswick, N.J., 1949–54), i. 226, 283, 287, 303.

[2] J. Nichols, *Illustrations of the Literary History of the Eighteenth Century* (8 vols., 1817–53), iv. 329; *Literary Anecdotes of the Eighteenth Century* (9 vols., 1812–15), ii. 532–49. [3] *Dict. Nat. Biog.*

[4] Parkinson, *op. cit.*, i. 410, 411, 421, 440; ii. 195, 289, 345, 352, 353, 355, 368. [5] *Ibid.*, ii. 352, 353, 355. [6] *Ibid.*, i. 337, 411, 421.

[7] *Ibid.*, i. 440; *The Poems of John Byrom*, ed. A. W. Ward (Remains . . . the Chetham Society, n.s. xxix, xxx, xxxiv, xxxv, Manchester, 1894–5), i, pt. 1, p. 45; ii, pt. 2, pp. 616, 630. The identifications on pp. 45 and 616 look wrong. The Leighs of West Hall and the Leycesters of Toft were neighbours, and Egerton Leigh's son married Ralph Leycester's daughter. Cf. Burke, *Commoners*, i. 73–5. [8] Parkinson, *op. cit.*, ii. 83, 436, 483, 542.

[9] *The Gentleman's Magazine*, xiv (1744), 169; S. & B. Webb, *English Local Government from the Revolution to the Municipal Corporations Act*

appointment he was required to discharge the duties of returning officer at the general election of 1747 and at a by-election in 1749. On both occasions the issue was hotly contested between those who were referred to as 'the ducal faction' or the 'Admiralty candidates', and those who called themselves 'the independent voters' and had the countenance of Leicester House.[1] In 1747, the duke of Bedford was First Lord of the Admiralty and the successful candidates were his brother-in-law, Granville Leveson Gower, then known as Viscount Trentham (subsequently Earl Gower and 1st marquis of Stafford), and Sir Peter Warren. In 1749, Trentham, now twenty-eight years of age, was made a Lord of the Admiralty, and resigned his seat and offered himself for re-election. He had married, the year before, as his second wife, Lady Louisa Egerton, daughter of Scrope, 1st duke of Bridgwater, and sister of Lady Anne Egerton, widow of the 3rd duke of Bedford and now countess of Jersey. He had thus become doubly connected with the Russells; while the High Bailiff found himself second cousin by marriage to one of the candidates, as well as being second cousin to the former duchess of Bedford.

The writ was issued on 16 November 1749. Trentham was opposed by Sir George Vandeput, Bart., nominated by the 'independent voters'. The poll opened on 22 November, and closed on 8 December. It was accompanied by much quarrelling and disorder. The votes recorded were 4,811 for Trentham against 4,654 for Vandeput. The defeated candidate asked for a scrutiny, which was granted by the returning officer.[2] It took upwards of

(3 vols., 1924), ii. 223 n. 1; *Journals of the House of Commons*, lxvi. 416; *Report from Committee on the office of High Bailiff of Westminster*. H.C. 220 (1810–11). II. 349, reprinted in *Cobbett's Parliamentary Debates*, xx, app., pp. lxvi–lxxxvii; *Report from the Select Committee to whom the Petition of Arthur Morris, Esq., Bailiff of the Liberty of the Dean and Chapter of Westminster, was referred . . .* H.C. 271 (1813–14). III. 123. Cf. *Journals of the House of Commons*, lxix. 218–19, 303, 307, 405, 410.

[1] J. Grego, *A History of Parliamentary Elections and Electioneering from the Stuarts to Queen Victoria* (1892), pp. 94–124; *The Case of the Hon. Alex. Murray, Esq.*; *In an Appeal to the People of Great Britain; more particularly the inhabitants of the City and Liberty of Westminster* (1751), p. 11.

[2] *The Gentleman's Magazine*, xix (1749), 521–2, 569; xx (1750), 41, 233, 379; *The London Magazine*, xviii (1749), 527, 528, 575; *The Parliamentary History of England*, xiv (1813), 761–2, 870–901, 1063–85. N. Tindal, *The Continuation of Mr. Rapin's History of England*, xxi (1759), 415–16, 423–8, 443–4; T. H. B. Oldfield, *The Representative History of Great Britain*

ninety days. In February, 1750, the High Bailiff was summoned to the bar of the House to account for the delay in the return, and pleaded in excuse the obstructions to the scrutiny that were being offered.[1] The return was not made until 15 May 1750, after the prorogation of parliament, when Trentham was declared to have a majority of 170.[2] The new session opened on 17 January 1751. On the 28th, petitions were presented reflecting upon the conduct of the High Bailiff and complaining of an undue return. They were ordered to be taken into consideration upon the 5th February. On the 28th itself, however, a motion was carried to require the High Bailiff to attend the House immediately, in order to render an account of what he had done in pursuance of the directions given in February, 1750; and he being, by a fortunate and doubtless not unforeseen accident, at that moment in the lobby, he was there and then called to the bar.[3] Being interrogated he charged three persons with disrespect of the House.[4] One of them was placed at the bar on the 31st and dismissed with a reprimand.[5] On the 1st February, the second was committed to Newgate.[6] The third, the Hon. Alexander Murray, brother to Lord Elibank, asked to be heard by counsel. His case was tried on the 6th February, a motion being carried to commit him to Newgate.[7] In each case the High Bailiff acted as counsel upon his own behalf.

These proceedings had the air of an astute parliamentary manœuvre, to which the High Bailiff was a party, designed to turn the tables upon the petitioners; and they were so represented by the opposition in a contemporary pamphlet.[8] Such a view of the affair is, however, possibly less candid than it looks. In his

and Ireland (6 vols., 1816), iv. 201–17; W. Coxe, *Memoirs of the Administration of the Right Honourable Henry Pelham* (2 vols., 1829), ii. 182–6, 199–202; *Memoirs of King George II by Horace Walpole*, ed. Lord Holland, 2nd edn. (3 vols., 1847), i. 13–17, 19–22, 26–32, 34–5.

[1] *Journals of the House of Commons*, xxv. 892, 1010, 1015; *Parliamentary History*, xiv (1813), 761–2.

[2] *The London Magazine*, xix (1750), 42–3, 92, 188, 234.

[3] *Journals of the House of Commons*, xxvi. 21; *Parliamentary History*, xiv. 871–2.

[4] *Journals*, ibid.; *Parl. Hist.*, xiv. 886.

[5] *Journals*, xxvi. 26; *Parl. Hist.*, xiv. 886–7.

[6] *Journals*, xxvi. 28, 42–3; *Parl. Hist.*, xiv. 891, 895.

[7] *Journals*, xxvi. 27, 31–3; *Parl. Hist.*, xiv. 887–90, 891–5, 898–901.

[8] *The Case of the Hon. Alex. Murray*, pp. 11–12.

continuation of Rapin, published in 1759, Tindal reports that Trentham and his friends 'had been secretly apprized, that Vandeput's party intended to withdraw their petition, in which case, the method proposed was the only one by which the delinquents could be brought to censure'.[1] The petitions were in fact withdrawn on 12 February 1751.[2]

The situation was complicated by a further episode that is only germane to my subject in so far as it served to keep the matter in agitation until November 1751. When called upon in February to kneel at the bar to receive sentence, Murray had refused to do anything of the kind, and, thus involving himself in a fresh quarrel with the House, had been committed to close confinement for his obduracy.[3] He remained in Newgate until the session came to an end on 25 June, when he was automatically released, returning to his house accompanied by the sheriffs in their carriages and a large and sympathetic mob,[4] and publishing soon after a pamphlet entitled 'The Case of Alexander Murray', in which he aspersed the proceedings of the House. When parliament reassembled in November, these further acts of defiance were brought to the notice of the Commons. Murray was recommitted, the Speaker directed to arrest him, and the crown requested to proceed against the publishers of the pamphlet. Happily Murray took flight to the Continent before the Serjeant-at-Arms could lay hold of him, and the publishers being brought to trial were acquitted.[5]

In its issue for December 1749, the *Gentleman's Magazine* offered the opinion that 'the high bailiff . . . through the course of this election, acted with great impartiality'.[6] He was indeed accused during the poll of showing favour to the 'independent voters';[7] and in the debate in the House on 28 January 1751 Trentham was able to produce a testimonial to his impartiality written by the heads of Vandeput's party the night before the

[1] Tindal, *Continuation of Rapin*, vol. xxi (1759), p. 425.

[2] *Journals*, xxvi. 39–40; *Parl. Hist.*, xiv. 895.

[3] *Journals*, xxvi. 31–3, 48; *Parl. Hist.*, xiv. 890 (quoting Tindal), 891–5, 896–8, 898–901.

[4] *Parl. Hist.*, xiv. 890 n. (quoting Tindal), 1065, 1069–70, 1080.

[5] *Journals*, xxvi. 303; *Parl. Hist.*, xiv. 1063–85; Coxe, *Pelham*, ii. 199–202.

[6] *Gentleman's Magazine*, xix (1749), 569.

[7] *Parl. Hist.*, xiv. 870 n., quoting Tindal.

return was made.[1] But once the issue was determined he was savagely attacked. Accused of partiality and avarice, he was charged also with lending himself to a political manœuvre by the predominant party in the House of Commons. The petitioners complained that the election had been protracted in order that he might extort money for himself. He 'artfully insinuated to the candidates', they said, 'that the Scrutiny would be attended with unavoidable Expence and Loss of Time to him, and gave them to understand that he expected to be paid for the same'; and he got four guineas a day from each candidate while the scrutiny lasted.[2] More gravely, they complained that he had given a number of arbitrary and unequal rulings upon the qualifications of electors that had affected the issue of the election.[3] To the members of the Leicester House group the proceedings of 1751 were no more than an exercise of political power and the High Bailiff no better than a party agent. 'This day', wrote Bubb Dodington on 6 February 1751, 'went to the House to hear the charge against Mr. Murray, . . . for words spoken against the High Bailiff, the day of his making the Return for Westminster, (15 May last). After the trial was over, and the first question moved, I left the House, and returned to Hammersmith. Never saw an accusation worse supported by any thing but numbers.'[4]

On 19 February 1753, Peter Manigault wrote from London to his mother in South Carolina, 'I presume you have heard that Mr. Corbett has purchased the Office of High Bailiff of Westminster. Mr. Leigh the Gentleman whom he bought it of, is made Chief Justice of S°. Carolina. He is reckoned a sound Lawyer, & a merry Companion.'[5]

Peter Manigault, a young man of twenty-one, at that time eating his dinners at the Middle Temple,[6] was the son of Gabriel Manigault, reputed to be the richest merchant in South Carolina.[7]

[1] Tindal *cit. Parl. Hist.*, xiv. 871 n.: *S. Carolina Hist. and Geneal. Mag.*, xxxii (1931), 188; Lord Holland, *op. cit.*, p. 14.

[2] *Journals*, xxvi. 18–19; *Parl. Hist.*, xiv. 877, 882–3, 885–6, 870 n. (quoting Tindal). [3] *Journals*, xxvi. 19.

[4] *The Diary of the late George Bubb Dodington, Baron of Melcombe Regis: from March 8, 1748–9, to February 6, 1761*, ed. H. P. Wyndham (Salisbury, 1784), p. 88.

[5] *S. Carolina Hist. and Geneal. Mag.*, xxxii (1931), 119; *Gentleman's Magazine*, xxiii (1753), 53. [6] *Dict. Am. Biog.*

[7] McCrady, *S. Carolina under the Royal Government*, pp. 402–3.

Thomas Corbett had been a tutor and schoolmaster in South Carolina, and returning to this country was accustomed to receive in his house the sons of leading South Carolina merchants and planters while they were at school or keeping their terms at the Inns of Court.[1] He was possibly the son of Thomas Corbett, secretary to the Board of Admiralty, who had died in 1751.[2] He continued to hold the office of High Bailiff until his own death in 1796.[3] Leigh's appointment to the chief justiceship was a severe blow to provincial pride. The letter from the governor, James Glen, of 22 September 1752, communicating the death of Chief Justice Graeme, placed before the Board of Trade on 13 December, had announced the appointment of Charles Pinckney to the office.[4] South Carolina, like other colonies, had in its early days been destitute of trained lawyers; and it was not until the fifties of the eighteenth century that American-born students began in any numbers to attend the Inns of Court.[5] It had been natural therefore that the colony's principal legal and judicial officers should have been supplied from England. But Charles Pinckney was a man of the highest standing. Twice speaker of the House of Assembly and a member of council, he was a planter of substance and the most prominent lawyer in the province;[6] and this was the first appointment of a South Carolinian to the office of chief justice.[7] It was peculiarly galling therefore that no attention at all should appear to have been paid to the governor's action. On 11 January 1753 the Board of Trade had submitted a representation to the secretary of state, Lord Holderness, proposing Peter Leigh as 'appearing to us to be a Person every way

[1] *S. Carolina Hist. and Geneal. Mag.*, iii (1902), 87 n. 1, 244.

[2] *Dict. Nat. Biog.*; Burke, *Commoners*, iii. 189–91; *The Second Edition of the Court and City Register for the year 1751*, p. 184.

[3] *The Royal Kalendar . . . for the year 1795*, p. 178; *The Gentleman's Magazine*, lxvi, pt. 1 (1796), 174.

[4] *Journal of the Commissioners for Trade and Plantations 1749/50–1753* (1932), p. 376.

[5] E. A. Jones, *American Members of the Inns of Court* (1924), p. xxviii; C. Meriwether, *History of Higher Education in South Carolina*, U.S. Bureau of Education. Circular of Information No. 3, iv. 1888 (Washington, D.C., 1889), pp. 25–6; McCrady, *S. Carolina under Royal Government*, p. 475 n. 2; *S. Carolina in the Revolution, 1780–1783*, p. 707.

[6] Harriott H. Ravenel, *Eliza Pinckney* (1896), pp. 86–7; C. C. Pinckney, *Life of General Thomas Pinckney* (Boston, 1895), p. 6; McCrady, *S. Carolina under the Royal Government*, p. 279.

[7] Pinckney, *op. cit.*, p. 17.

qualified to Serve His Majesty in that Station', and asking the secretary to lay their proposal before the king. On 6 February, Holderness replied signifying the king's approval and directing the Board to prepare the draft of a warrant. This warrant, dated 6 February 1753, required and authorized the governor to cause letters patent to pass under the great seal of the province of South Carolina appointing Leigh to the office.[1] A notice of the appointment appeared in the issue of the *Gentleman's Magazine* for February 1753,[2] and in the South Carolina Gazette on 2 April.[3] The Pinckneys sailed for England on 9 April, to put their sons to school at Westminster.[4] The disappointment, although it was said to have been one from which he never fully recovered, was accepted with dignity by both Pinckney and his wife. Mrs. Pinckney must have been indeed a delightful person, and her quality shines to this day in her letters to her family and friends. There is said to be scarcely a reference to the affair in such of her correspondence as has survived.[5] Yet nature was not wholly to be denied. 'I was a few days ago to see Mrs. Pinckney', wrote Peter Manigault to his mother in March, 1754. 'She is certainly a mighty good Sort of a Lady, though with all her Virtues she is a little addicted to Scandal; Do you think she did not tell me a long Rig my Role Story of Mrs. Leigh's making a Soup of a cold Leg of Pork the day after it was boiled, as if that Lady's Diet was anything to me or anybody else.'[6] After arriving in London, Pinckney was appointed by the governor and council to act on their behalf with or without the accredited representative of the province, James Crockatt, whose position was rendered ambiguous by a dispute over the settlement of his accounts between the House of Assembly and the Council which lasted from July 1753 to May 1756.[7] He returned to South Carolina in May 1758, and died there in July of that year.[8]

[1] *Journal of the Commissioners for Trade and Plantations, 1749/50–1753*, pp. 382, 392.

[2] *The Gentleman's Magazine*, xxiii (1753), 100.

[3] *S. Carolina Hist. and Geneal. Mag.*, iii (1902), 244.

[4] *South Carolina Gazette*, no. 982 (11 April 1753); Ravenel, *op. cit.*, pp. 138, 141.

[5] Ravenel, *op. cit.*, pp. 137–8, 179.

[6] *S. Carolina Hist. and Geneal. Mag.*, xxxiii (1932) 57.

[7] Ella Lonn, *The Colonial Agents of the Southern Colonies* (Chapel Hill, N.C., 1945), pp. 75–6, 135–6, 297, 395; Ravenel, *op. cit.*, pp. 135–6.

[8] Ravenel, *op. cit.*, pp. 166, 167, 176.

While it had no encouragement from the Pinckneys, gossip in South Carolina was soon busy with Leigh's appointment. It was put about that he had made Westminster too hot for himself and that the exchange of offices had not been altogether voluntary. The story seems first to have appeared in print in a pamphlet published by Henry Laurens in 1768, in which he repeated remarks made by Christopher Gadsden in the House of Assembly in 1767, fourteen years after the event and eight years after Leigh's death.[1] Since then it has passed from author to author, gathering force and precision on its way. In 1822 the version was that 'the opposition were so exceedingly exasperated at this return, that they began to take serious measures to indict Mr. Lee [*sic*], for a false and corrupt return. To disarm them he agreed to vacate his office . . .'[2] By 1895, the story was that the opposition 'accused him of making false returns, and threatened him with impeachment. No positive proof was brought forward to sustain the charge, but the government thought it wiser to disarm the opposition by his removal.'[3] To McCrady in 1897, he was, as I have already said, 'a discredited English barrister'.[4] To Professor Wallace in 1915, the appointment was a 'reward for services in making election returns under circumstances which threatened him with a criminal prosecution'.[5] It is doubtless prudent to keep in mind the adage that there is no smoke without a fire; but it looks as though the story had at least suffered some distortion. By the time the news of the vacancy in South Carolina reached London, well over a year and a half had elapsed since the Westminster petitions had been withdrawn, and it was a year since the last had been heard of Alexander Murray. Moreover, the disposition of the pieces upon the board had been altered. The duke of Bedford was now out of office, and the Prince of Wales was dead. The issues were no longer the same in Westminster, and tempers had cooled. When Sir Peter Warren died in 1752 and another by-election occurred, there were negotiations and some

[1] Wallace, *Life of Laurens*, p. 147; *Extracts from the Proceedings of the High Court of Vice-Admiralty, in Charlestown . . . (by H. L.)*, 2nd ed. (Charleston, 1769), app., p. 20.

[2] W. Johnson, *Sketches of the Life and Correspondence of Nathanael Greene* (2 vols., Charleston, 1822), i. 256 n.

[3] Pinckney, *op. cit.*, p. 17.

[4] McCrady, *S. Carolina under the Proprietary Government*, p. 36.

[5] Wallace, *Life of Laurens*, p. 103 n. 3.

sort of agreement seems to have been reached. Sir George Vandeput, after again offering himself as a candidate, withdrew; and in January, 1753, Edward Cornwallis was returned unopposed.[1] If in fact the return made in 1750 had been improper, it would still be necessary to explain why the ministry in power in 1752 should have regarded themselves as implicated in it. They were no friends to the duke of Bedford, and it was as the instrument of the ducal party that Leigh had been attacked. Rather than that the government found themselves under the political necessity of removing him and felt themselves obliged to provide for him elsewhere, it is easier to believe that he preferred the prospect in South Carolina to the rough and tumble of Westminster and had sufficient influence to get what he wanted. His predecessor had been in much worse trouble in 1741, and had been left undisturbed.[2] Egerton Leigh, writing to Newcastle in 1759, to report his father's death and solicit his own appointment as attorney-general or to the office of chief justice itself—preferments that would 'dry up the Tears of a truly distressed and Loyal Family'—referred to 'the peculiar Sufferings of his Family under party persecution in England'.[3] Walpole referred to Leigh parenthetically as one 'whose practice, as a lawyer, the Jacobites totally destroyed'.[4] Peter Manigault, recently an inmate of Corbett's house, must have known a good deal about the ins and outs of the affair and the view that was taken of it in the Inns of Court; and he was perhaps the more candid witness. He wrote to his father on the subject in August:

> As I have had Occasion to hear great prejudices have arisen in Carolina against Mr. Leigh, the worthy Gentleman who has been appointed our Chief Justice, I think it will not be improper to let you into the Source of those prejudices, & the slight Foundation upon which they are built; that you may by your Influence, recover as much as possible the Character of this Gentleman, thus grossly aspersed. He was at the Bar for twenty Years, & in all that Time, had never anything objected to his Conduct, except now & then a little Imprudence.

[1] *Bubb Dodington's Diary*, pp. 187, 201, 236; *The Gentleman's Magazine*, xxiii (1753), 53.

[2] *Journals of the House of Commons*, xxiv. 13, 24–5, 31, 33–4, 35, 36–7, 55.

[3] Brit. Mus., Add. MS. 32894, f. 436. [4] Lord Holland, *op. cit.*, i. 14.

'Twas his Misfortune some time ago to be appointed High Bailiff of Westminst[r], by Virtue of which Office, he is the person that returns the Members to serve in parliament for that Borough. About three Years ago there was an Election much controverted . . . the Losers in this Election . . . upon finding that the Number of Votes were superior on the other Side, . . . without any more Consideration grasped at all Opportunities to destroy his good Character . . . But they did not stop here. They were so hardy as to present a Petition . . . I happened to be in the House when this Petition was presented, & it appearing that most of the suggestions in it were false, it was almost unanimously rejected, and what was very remarkable, a Letter was produced from the very Member that brought in the Petition, to Mr. Leigh, in which he passed many Encomiums upon his Candour in the Affair. This Sir is the shortest State I could give you of the Abuse offered this worthy Gentleman . . .[1]

The chief justice in South Carolina ranked after the governor or his deputy and the secretary. Although Leigh's appointment had been much resented, his aristocratic connections and his reputation for having moved in London in the best society were attractions that not all South Carolinians were robust enough to resist.[2] He took his place as one of the leading members of the local community. He became a member of council in 1754.[3] He was a mason, and was elected provincial grand master.[4] It is conceded by McCrady that 'he filled the position of Chief Justice of the province for seven years without giving the least cause of suspicion as to his integrity'.[5] He died in Charleston in July 1759.[6] A portrait of him, and a painting of him in a family group, formerly at Brownsover Hall in Warwickshire,[7] are still in the possession of the family.

[1] *S. Carolina Hist. and Geneal. Mag.*, xxxii (1931), 187–8. (I am indebted to the South Carolina Historical Society for permission to quote this letter.)

[2] Ravenel, *op. cit.*, p. 137.

[3] McCrady, *S. Carolina under the Royal Government*, p. 801.

[4] *Death Notices in the South Carolina Gazette 1732–1775*, ed. A. S. Salley, jr. (Columbia, S.C., 1917), p. 28.

[5] McCrady, *op. cit.*, p. 281.

[6] Salley, *loc. cit.*; *Journal of the Commissioners for Trade and Plantations 1759–63* (1935), p. 181.

[7] B. G. F. C. W.-Boughton-Leigh, *Memorials of a Warwickshire Family* (1906), p. 133.

Egerton Leigh, born in 1733, entered Westminster School in 1748.[1] He accompanied his father to South Carolina in 1753,[2] and was admitted to the South Carolina bar in that year[2]—admitted by his father, and admitted apparently without those qualifications that would have been required of him at a later date,[3] for he did not become a member of the Inner Temple until 1757.[4] In January 1756 he married Martha Bremar, a daughter of the sister of Henry Laurens, and thus became allied to one of the leading families in the province.[5]

By a combination of his advantages and his own natural ability Egerton Leigh rose rapidly. Within ten years of his call to the bar he was, by his own account, making an income of £1,000 to £1,200 sterling a year from his practice.[6] He shared the best and most lucrative work with James Parsons and Charles Pinckney, nephew of the Charles Pinckney who had been appointed chief justice, numbering among his clients such prominent members of the community as Miles Brewton and Peter Manigault, and handling all the foreign litigation of Henry Laurens.[7] In addition he accumulated a number of public offices. In November 1755 he was appointed surveyor-general for admeasuring, surveying and setting out all lands in the province,[8] an office which he discharged by deputy after 1758.[9] He became a justice of the peace in 1756.[10] In 1759 he was made one of the

[1] G. F. R. Barker and A. H. Stenning, *The Record of Old Westminsters* (2 vols., 1928), ii. 567.

[2] Memorial left with Lord Dartmouth, 2 March 1775, now in the William Salt Library, Stafford; *Hist. MSS. Com. Fourteenth Report*, app., pt. x. *The Manuscripts of the Earl of Dartmouth*, ii. *American Papers* (1895), p. 277.

[3] R. W. Gibbes, *Documentary History of the American Revolution: consisting of letters and papers relating to the contest for liberty, chiefly in South Carolina, 1764–1776* (1855), p. 44.

[4] *A Calendar of Inner Temple Records*, ed. R. A. Roberts, vol. v (1936), p. 88; Jones, *American Members of the Inns of Court*, pp. xxi, 127.

[5] G.E.C., *Complete Baronetage*, v. 164.

[6] Memorial left with Lord Dartmouth, 2 March 1775, *ut supra*.

[7] R. Barry, *Mr. Rutledge of South Carolina* (New York, 1942), pp. 39, 61–2, 64; for the source of this information, cf. *ibid.*, pp. 376–9.

[8] Memorial.

[9] McCrady, *S. Carolina in the Revolution, 1775–1780*, p. 38 n. 1; *S. Carolina Hist. and Geneal. Mag.*, vii (1906), 84.

[10] *S. Carolina Hist. and Geneal. Mag.*, xx (1919), 74.

council,[1] and in due course became its senior member. In March 1762 he was appointed to be judge of the Vice-Admiralty court of South Carolina;[2] and in January 1765 attorney-general for the province.[3] Besides his house in Charleston, he acquired a plantation upon the Cooper river, some seven miles out, called 'The Retreat'.[4] An advertisement of the auction of the contents of his town house that was inserted in the *South Carolina Gazette* in 1774 reveals that as well as valuable furniture he had a collection of pictures. 'The Paintings', it ran, 'are by some of the first masters, viz. Paul Veronese, Carladolsci, Jordano, Ghisolsi, Corregio, and Guido: There are also several excellent Miniature Paintings, particularly one of Queen Elizabeth, done in the year 1574, besides many other curious and ornamental pieces'.[5] Like his father he was a mason, and he was elected provincial grand master in 1768 and 1770. On the latter occasion a masonic ode of his own composition, 'Behold the social band appears', set to music by the organist of St. Michael's, was sung.[6]

But he overreached himself, and he came to grief.

In 1761, he was accused of the seduction of his sister-in-law, whom he had taken into his house upon the death of her parents.[7] The scandal cost him the friendship of Henry Laurens, and is said to have done him great damage professionally, his clients falling away and much of his practice passing to John Rutledge, a younger man, just returned from the Inns of Court and newly launched upon his career, who now took his place among the three leading counsel in Charleston.[8] Shortly after, he ran into political difficulties. By the terms of the Stamp Act of 1765 the courts were put under the obligation of using stamps in recording, enrolling, entering and filing, and as the officers appointed to distribute stamped papers for the province declined to act

[1] *Journal of the Commissioners for Trade and Plantations 1759–63* (1935), pp. 43, 45; *Acts of the Privy Council . . . Colonial Series*, iv, *1745–1766* (1911), p. 797. [2] P.R.O., Ad. 2/1057, f. 6. [3] Memorial, *ut supra*.

[4] H. A. M. Smith, 'Charleston and Charleston Neck. The original grantees and the settlements along the Ashley and Cooper rivers', *S. Carolina Hist. and Geneal Mag.*, xix (1918), 56–60; cf. *ibid.*, 59, iv (1903), 313.

[5] *Ibid.*, xi (1910), 133–4.

[6] *Ibid.*, iv (1903), 313; liii (1952), 213; iii (1902), 145.

[7] Wallace, *Life of Laurens*, p. 103 n. 3; cf. McCrady, *S. Carolina under the Proprietary Government*, pp. 10–12; *Under the Royal Government*, p. 471.

[8] Barry, *op. cit.*, pp. 64–5, 67, 83.

pending the reply of the crown to the representations of the colonies, the chief justice adjourned the court on 3 December and its adjournments were continued until 4 March 1766. Upon that day, three new assistant justices, who were provincials and laymen, presented their commissions and took their seats. Thereupon a plaintiff arose and moved for judgment. The motion was opposed by Leigh as attorney-general on the ground of the want of stamped paper. After an adjournment to 1 April, a judgment was rendered and ordered to be entered; but it was blocked by the refusal of the clerk of the court either to enter the order or issue a process under it.[1] As officers of the crown, neither Leigh nor the clerk could have done other; but this behaviour did not endear them to their fellow citizens. The House of Assembly, where the matter was carried, baulked by the firmness of the governor, could for the moment do no more than publish as a pamphlet the *Votes of the Commons' House of Assembly* on the subject;[2] but they proceeded to attack Leigh as a pluralist. On 2 July 1766 the Committee on Correspondence wrote to the province's London agent, Charles Garth,

> . . . the House Ordered a Committee to lay before them the State of the Province, whose Report . . . we herewith transmit you . . . several of the matters contained therein you have been long since appraiz'd of and desired to Solicit, to which Letters we refer you. Others are new, particularly the incompatibility of some of the Offices held by Mr. Leigh and Mr. Skottowe Members of His Majesty's Council, which is so striking that it cannot escape your notice.[3]

Garth waited upon Shelburne, who listened sympathetically and promised to make enquiries, but 'doubted its being in his power to give relief, most of them being by or under patents from the Crown, and no Representation of Misbehaviour or Omission of Duty against the Patentees'[4]; and he finally concluded that there was 'not sufficient in the Complaint to ground a Proceeding against those Gentlemen . . . to deprive them of the Offices or Honours they hold'.[5] 'It has been represented', added Garth,

[1] McCrady, *S. Carolina under the Royal Government*, pp. 572–5.
[2] *Ibid.*, pp. 575–6.
[3] *S. Carolina Hist. and Geneal. Mag.*, xxviii (1927), 228.
[4] *Ibid.*, xxix (1928), 45. [5] *Ibid.*, 131, 216.

'that a difference of Opinion in regard to the Stamp Act has been Principally conducive in begetting this Complaint against them, I am desired to express the Hopes of those in Power, that everything bearing any Relation to that Act may be forgot from the moment America gained her Point in obtaining a Repeal thereof'.[1]

In 1767–8 there was added to the family breach between Leigh and Henry Laurens an unseemly public quarrel. It arose from the libel of ships belonging to Laurens in the court of Vice-Admiralty. The details of the proceedings are intricate and have been fully set out elsewhere.[2] It is sufficient to say here that Leigh found himself called upon to play, at one and the same time, the incompatible parts of counsel, attorney-general and judge; and handed down decisions that satisfied neither of the litigants. Henry Laurens, regarding the judgments as unjust, issued a pamphlet attacking the Custom House officers, the courts of Vice-Admiralty, and the judge in person. To this Leigh replied in a publication equally personal entitled *The Man Unmasked*; and that in its turn produced a rejoinder.[3] On the other hand, the collector of customs, disgusted with an opinion received (and paid for) from the counsel which had not been sustained by the judge, complained to the Treasury that in prosecuting the affairs of the crown he had lacked the support of the attorney-general. In consequence there came to the governor a letter from the Admiralty, dated 9 May 1768.

> My Lord,
>
> It having been represented to my Lords Commissioners of His Majesty's Treasury that difficulties have been found to attend the condemning Vessels seized in the Province of South Carolina, owing to the same Person acting in the double Capacity of Judge of the Vice Admiralty Court, and Attorney

[1] *S. Carolina Hist. and Geneal. Mag.*, xxix (1928), 216.

[2] Wallace, *Life of Laurens*, chap. xi; Leila Sellers, *Charleston Business on the Eve of the American Revolution* (Chapel Hill, N.C., 1934), pp. 192–200.

[3] *Extracts from the Proceedings of the High Court of Vice-Admiralty, in Charlestown, South Carolina, upon six . . . informations adjudged by . . . E. Leigh: . . . and some general observations on American Custom-House officers, and courts of Vice-Admiralty* (*by H. L.*). (Charleston, 1768); *The Man Unmasked* (Charleston, 1768); *Extracts . . . second edition, with an appendix* (*containing strictures upon . . . a pamphlet entitled, The Man Unmasked, published by E. Leigh . . .*), (Charleston, 1769).

> General; And their Lordships having suggested to my Lords Commissioners of the Admiralty the necessity of appointing some other Person Judge, that the Interest of the Crown may not suffer from the want of the Attorney General to support the Officers of the Revenue in the discharge of their duty: My Lords do therefore command me to desire your Lordship will please to acquaint Mr. Leigh, who holds both those Offices, that on account of the said Objection it is necessary he should decline one of them.[1]

—and he had to give up the court of Vice-Admiralty. Five years later, the prohibition of April, 1773, of the governors of the royal colonies from making any more grants of land until further notice, put an end also to his income as surveyor-general.[2]

These bickerings were but froth upon the surface of deep-running constitutional issues. The community in which they occurred was not one in which public interest was the touchstone by which could be distinguished what was politically justifiable from what was not; even if the House of Assembly had been fully representative of the interests of the whole—which it was not—the law was not just what it said it was. The fiats of the assembly required the concurrence of the council and of the governor. The governor was controlled by the terms of his commission and by a set of royal instructions which together were in the nature of a written constitution. And the legislation of the province, even when it was the joint act of the whole legislative body acting within the limits thus prescribed, was still subject to review by an authority resident at Westminster and guided by other and sometimes wider considerations than had moved men in Charleston. Moreover the courts had an independent and co-ordinate authority and could be appealed to in defence of fundamental rights against executive and legislature, both provincial and imperial. In these circumstances the officers of the law were peculiarly obnoxious to popular absolutism. The judges held *durante bene placito*, and unless their fees could be abolished or reduced so that they were made dependent upon salaries, they

[1] P.R.O., Ad. 2/1057, f. 384.

[2] Memorial, *ut supra*; C. W. Alvord, *The Mississippi Valley in British Politics* (2 vols., Cleveland, O., 1917), ii. 212.

were beyond the reach of the legislature; while the attorney-general, the provost-marshal (who fulfilled the function of a sheriff) and the clerk of the pleas were patentees whose appointments were property, of which, as Shelburne had been constrained to agree, they were not to be deprived without due process. To the obstruction that the lawyers were thus in a position, and sometimes under an obligation, to offer to the translation of what chose to regard itself as the popular will into a prevailing law, there was added the slowness of a council, that came to be manned predominantly by servants of the crown, to fall in with the views of the popular chamber. Out of this there developed a series of constitutional disputes in two of which Leigh was intimately involved.

The desire for a judiciary more responsive than the lawyers sent out from England to the influence of local opinion had its part in the resentment felt at the substitution of Peter Leigh for Charles Pinckney in 1753. It was aggravated by the ill behaviour of Charles Shinner who, after a couple of interim appointments, succeeded Leigh and held the office of chief justice from 1762 to 1768. It was further exasperated in 1772, when, upon the addition of three paid assistant justiceships to the unpaid posts hitherto held by provincial laymen, appointments of English lawyers were immediately made to them.[1] But in this controversy Egerton Leigh was not personally implicated, save in so far as he was his father's son and was himself after twenty years' residence still regarded as a 'stranger'.[2]

He was, however, affected by the proposal in 1767 to erect circuit courts in the province. In the late fifties, and more rapidly after the Peace of Paris, the settlement of the back country had been effected, not by immigrants landed at Charleston or by settlers moving up from the low country, but by groups of Scotch-Irish or Virginians travelling south-west from the head waters of the Shenandoah or along the foothills of the Blue Ridge, and establishing up-country communities quite distinct in social origin, social structure, and religious opinion from the society on the coast, communities moreover which found themselves

[1] McCrady, *op. cit.*, 469; J. Quincy, *Memoir of the Life of Josiah Quincy, Junior, of Massachusetts Bay, 1774–1775* (Boston, 1875), pp. 80–1.

[2] J. Drayton, *Memoirs of the American Revolution . . . as relating to the State of South Carolina* (2 vols., Charleston, 1821), i. 238.

without civil government, save such as they set up for themselves, and without representation in the House of Assembly. To such a situation the existing system of government in the province, wherein the parish was the electoral unit and the churchwardens the returning officers, and all official business must be done in Charleston, was quite unsuited. The court of King's Bench, consisting of the chief justice and some lay assistant justices, and the court of Common Pleas, consisting of the same persons acting in another capacity, both sitting in Charleston, were the only courts in the country; while the office of provost-marshal, the holder of which was charged with the duties of sheriff throughout the colony, was occupied by Richard Cumberland, the playwright, who was a clerk in the Board of Trade and discharged his function by a deputy who himself had to be sought in Charleston. Yet the reforms so obviously needed—the appointment of district sheriffs and the establishment of circuit courts—would reduce the fees of the chief justice, the attorney-general, the clerk of the pleas, and the provost-marshal; and it was not thought proper that they should be deprived of these emoluments for the public convenience without compensation. Cumberland had for some time been in negotiation for the sale of his office to the province, and now concluded his bargain;[1] and the Assembly succeeded both in putting Leigh and others upon a salary, and freeing themselves to set up the new courts, but only at the cost of paying Leigh £500 sterling a year, which was more than twice the amount they had originally proposed.[2]

To this conflict of private property with public interest there was added a direct political conflict between the house of assembly and the council, in which Leigh was also involved. A quarrel over the framing of finance bills and the rejection of all such bills by the council after August 1770 led to an attack upon the claim of the council to be the upper house of the legislature. The quarrel came to a head in 1773. W. H. Drayton and two of his colleagues, being the three provincial members of the council, exasperated by the dilatoriness of the council in dealing with a monetary bill received from the house, entered a protest asserting

[1] P. C. J. Weston, *Documents Connected with the History of South Carolina* (1856), pp. 101–54; McCrady, *op. cit.*, pp. 628–34.

[2] McCrady, *op. cit.*, p. 631; Wallace, *Life of Laurens*, pp. 144–5; cf. Gibbes, *Documentary History*, p. 58.

that such tactics would revive the conflict between the two chambers. Upon the adjournment of the council this protest was communicated by Drayton to the printer of the *Gazette* and forthwith published.[1] Whereupon the printer was committed for breach of privilege upon the order of council signed by Leigh as its senior member. Upon the appeal of the printer to the courts, his case was heard by two assistant judges, both laymen and one of them speaker of the House. A writ of *habeas corpus* was granted on the ground that the commitment was to be considered 'merely as the commitment of the Privy Council'.[2] The decision was a political act in the thinnest of legal disguises. It was reversed by the chief justice when the printer brought an action against Leigh for false imprisonment;[3] and the arguments of the Assembly and its protagonists were brushed brusquely aside by the secretary of state when the matter was taken up by Garth in London upon the instructions of the House.[4] To these arguments Leigh undertook to reply in a pamphlet published in London in 1774.[5] This provoked an answer now known to have been written by Arthur Lee from materials supplied by Garth and to have been paid for by Henry Laurens.[6] The case of the radicals was clearly invalid in history and in law; and Leigh was correct in thinking that what was in the making was the unchecked rule of a single legislative chamber: 'the Commons', he wrote, 'are the *vortex* which swallows all the power. We are surely going back to the unhappy æra of 1648.'[7] Yet it was impossible to defend the council as it was then constituted. It had become a body of placemen. 'There are only', wrote Drayton a little later, 'eight Counsellors, in the Province; of which number, five are not only Crown officers, but are strangers': 'the House have been steadily

[1] Drayton, *op. cit.*, i. 233–5; cf. McCrady, *op. cit.*, pp. 715–16.

[2] Drayton, *op. cit.*, i. 101, 118–24, 235–42; McCrady, *op. cit.*, pp. 717–21.

[3] [Sir Egerton Leigh] *Considerations on certain Political Transactions of the Province of South Carolina* (1774), p. 78; cf. Gibbes, *op. cit.*, pp. 43–4.

[4] McCrady, *op. cit.*, pp. 722–3.

[5] *Considerations on certain Political Transactions of the Province of South Carolina: containing a View of the Colony Legislatures (Under the Description of that of Carolina in Particular). With Observations shewing their Resemblance to the British Model.*

[6] Lonn, *Colonial Agents*, p. 236; cf. *S. Carolina Hist. and Geneal. Mag.*, xxii (1921), 3 n. 6; *Dict. Amer. Biog.*, *s.vv.* R. Izard and H. Laurens.

[7] *Considerations*, pp. 60–1, cf. p. 68.

losing . . . confidence, and have been falling into contempt, in *proportion* to the increase of Placemen in it . . .'[1] Leigh was constrained to admit that reform was needed: and Drayton himself, abandoning the case of the radicals, agreed that a council if it were native and more numerous would be a proper feature of the constitution.[2]

In face of these attacks Leigh turned to the home government for support. He visited England in 1772 and again in 1774.[3] In 1772 he was made a baronet;[4] and he wrote anxiously on the eve of sailing to Rochford and to the permanent secretary Sir Stanier Porten, 'being persuaded that the Completion of the affair w[d] not only re-introduce him into the province with more Weight as to himself, but in an Especial manner in his public Stations'.[5] The honour was granted on 19 September: the Leighs landed in Charleston on 27 October.[6] By 1774, he seems to have made up his mind to leave the colony if he could. John Laurens met him in London that year, and, expecting to be cut, found him all affability.[7] But the breach was beyond repair. 'Your Uncle', Henry Laurens had reported from Westminster to John in Geneva in February, 'writes of (our friend as you call him) the Author—"Yesterday was St. John's—but no pompous Ode, no procession, no talk of Masonry in short the fraternity are quite ashamed of their Grand Master"—Miserable Wretch . . .'.[8] 'Your Memorialist', said Leigh in submitting an application to Dartmouth in March 1775 for an appointment in one of the middle or northern colonies,

> begs your Lordship's permission to state a clear and undeniable fact, that from the year 1756 to the year 1766 he always made by his profession alone (Exclusive of his Employments) Ten

[1] 13 Feb. 1775. Drayton, *op. cit.*, i. 238; cf. Gibbes, *op. cit.*, pp. 20, 72; D. D. Wallace, *The History of South Carolina* (4 vols., New York, 1934), ii. 97.

[2] *Considerations*, pp. 68, 72; Gibbes, *op. cit.*, pp. 17, 29.

[3] Memorial, *ut supra*; *S. Carolina. Hist. and Geneal. Mag.*, xxi (1920), 62; xi (1910), 133–4; Wallace, *loc. cit.*

[4] G.E.C., *Complete Baronetage*, v. 164.

[5] P.R.O., S.P./37/9, to Lord Rochford, 29 July 1772; to Sir Stanier Porten, 7 Aug. 1772.

[6] *The London Gazette. From Tuesday September 15, to Saturday September 19, 1772; S. Carolina Hist. and Geneal. Mag.*, xxi (1920), 62.

[7] *S. Carolina Hist. and Geneal. Mag.*, v (1904), 202–3.

[8] *Ibid.*, iii (1902), 145.

> or Twelve Hundred pounds sterling P. Ann., but since the last Ment[d] Period he has never made more than One Hundred pounds Sterling P. Ann., owing to the Successful Combinations of a powerful Faction, to whose Insults your Memorialist became Subject on the score of his public Stations.[1]

He had sold his plantation, The Retreat, in 1771;[2] and he made arrangements before sailing for England in June 1774 for the sale of the contents of his house in Charleston and of his domestic slaves.[3] He appears moreover to have taken steps to establish himself at home. When he entered his son at Westminster School in June 1771, the boy was described as 'of Rugby Hall, co. Warwick';[4] and Leigh started a lawsuit to recover some family property in Warwickshire that had fallen into chancery.[5] His suit was unsuccessful, and his claim must have been remote. The property had been acquired by Sir Thomas Leigh, lord mayor of London in 1558, himself descended from a younger branch of the Leighs of West Hall,[6] and the ancestor both of the Leighs of Stoneleigh Abbey and of a branch of the family upon whom was conferred the barony of Dunsmore and later the earldom of Chichester. This branch had shared with the ancient Warwickshire family of Boughton the parish of Newbold-on-Avon and had owned the manor of Newham Regis.[7] Harborough Parva Hall, where Leigh was living in 1780, is said to have been an ancient home of the Leighs.[8] But Rugby Court, conveyed to Rugby School about 1771, was a Boughton property;[9] and a memorial to the second Egerton Leigh in Newbold church, describing him as of Westhall in the county of Chester, if a rather disingenuous reference to the son's connection with

[1] Memorial, *ut supra*.

[2] *S. Carolina Hist. and Geneal. Mag.*, xix (1918), 59; cf. iv (1903), 313.

[3] *Ibid.*, xi (1910), 133–4.

[4] Barker and Stenning, *Old Westminsters*, ii. 567.

[5] W.-Boughton-Leigh, *Memorials of a Warwickshire Family*, p. 125; cf. p. 85.

[6] Sir William Dugdale, *The Antiquities of Warwickshire* (2 vols., 1730), i. 258; cf. *Vict. Cty. Hists., Warwickshire*, vi. 189.

[7] W.-Boughton-Leigh, *op. cit.*, pp. 13–14, 84–5; *V.C.H., loc. cit.*, p. 194.

[8] W.-Boughton-Leigh, *op. cit.*, pp. 112, 105, 125.

[9] *Ibid.*, 157, 163; *V.C.H., loc. cit.*, p. 205.

Cheshire, is good evidence that the father had not been successful in establishing himself in Warwickshire.[1]

Returning to Charleston late in 1774,[2] he was back in London by March 1775, failing to take the oath later tendered to officers of the crown,[3] Simpson being appointed attorney-general in his absence.[4] In June he offered to resign his seat on the council.[5] In 1779 he became chairman of a committee of loyalists in London.[6] In 1780 Leigh and the other officers of the crown made themselves ready to return to South Carolina.[7] Leigh landed in Charleston at the beginning of February 1781 and at once wrote to Germain urging the re-establishment of civil government and asking to be made governor himself.[8] Meanwhile he accepted appointment to the Board of Police, expecting the main burden of its work to fall upon himself as its only legal member. For the execution of these duties he asked for something more than 'the small allowance of 20/– Stg per Day', 'as this new situation positively shuts me out of all practice in my profession which moderately speaking will be at least One Thousand pound stg . . . out of my pocket'.[9] But he was already a sick man. As the chief justice later reported, 'Sir Egerton's bad state of health made it impossible for him to discharge the Duty of his station with that ability and close Attention that might in other circumstances have been expected of him'.[10] He died in Charleston on the 15th September 1781.[11] A portrait of him,

[1] W.-Boughton-Leigh, *op. cit.*, p. 23; cf. p. 46.

[2] Wallace, *Hist. of S. Carolina*, ii. 97.

[3] *S. Carolina Hist. and Geneal. Mag.*, xxxiv (1933), 198; Memorial, *ut supra*; cf. *S. Carolina Hist. Assoc. Proc.* (1937), pp. 34–42.

[4] McCrady, *op. cit.*, p. 804. McCrady, *S. Carolina in the Revolution, 1780–83*, p. 396, appears to be in error in this matter, cf. P.R.O., C.O. 5/176, f. 95, and J. Quincy, *op. cit.*, 78; Jones, *American Members of the Inns of Court*, p. 107.

[5] To Lord Dartmouth, 26 June 1775, now in the William Salt Library, Stafford. *Hist. MSS. Com., Fourteenth Report, ut supra*, p. 321.

[6] J. H. Stark, *The Loyalists of Massachusetts* (Boston, 1907), pp. 211, 212; cf. *Hist. MSS. Com. Report on the Manuscripts of Mrs. Stopford-Sackville* (2 vols., 1904, 1910), ii. 131–2.

[7] P.R.O., C.O. 5/176, f. 95.

[8] P.R.O., C.O. 5/176, ff. 111–14; cf. *Hist. MSS. Com. Fourteenth Report, ut supra*; for Germain's reply, see C.O. 5/176, f. 121.

[9] *Ibid.*

[10] T. Knox Gordon to Lord G. Germain, 26 Dec. 1781. P.R.O., C.O. 5/176, ff. 166–7.

[11] *S. Carolina Hist. and Geneal. Mag.*, xvii (1916), 160; cf. xxi (1920), 120.

painted in 1772, remains, like that of his father, in the possession of his descendants.

Egerton Leigh had a large family. Two of his sons, William and Thomas, appear to have become planters in the neighbourhood of Georgetown and to have remained in South Carolina after the Revolution.[1] Egerton Leigh, his third son and his heir,[2] married Theodosia Anna Maria Ramsay Beauchamp Donellan, the daughter of Sir Edward Boughton, the 6th Baronet. Her first husband, Capt. J. Donellan, had been hanged in 1781 for the murder of his brother-in-law, Sir Theodosius Edward Allesley Boughton, by the administration of laurel water. Mrs. Donellan, not without provocation, forsook both her married and her maiden name, and taking that of her mother's family was known as 'Mrs. Beauchamp'.[3] She became in consequence of the tragedy heiress to the Boughton and with them the Beauchamp estates. Sir Egerton and Lady Leigh lived first at Little Lawford Hall[4] and then at Brownsover Hall, both Boughton properties.[5] Sir Egerton was an active itinerant preacher in the neighbouring villages and attracted a large congregation to the services he conducted on Sunday mornings under an oak tree in the park. Known as 'the preaching baronet', he became a baptist and founded the baptist chapel in Rugby.[6] His only son died in boyhood, and the baronetcy passed to his nephew, the son of Sir Samuel Leigh, Kt. (1770–96), the nephew himself dying without issue.[7] The Boughton estates went to his daughter, married to John Ward of Guilsborough Hall, Northamptonshire, who took

[1] *S. Carolina Hist. and Geneal. Mag.*, xvi (1915), 75, 114; xvii (1916), 109, 110, 111; xviii (1917), 96; xix (1918), 144; xx (1919), 133, n. 34; xxvi (1925), 154.

[2] G.E.C., *Complete Baronetage*, v. 165; Barker and Stenning, *Old Westminsters*, ii. 567.

[3] G.E.C., *op. cit.*, ii, 122, v. 165; I. N. Brewer, *A Topographical and Historical Description of the County of Warwick* (1820), p. 87; Barker & Stenning, *op. cit.*, i, 276.

[4] W.-Boughton-Leigh, *Memorials of a Warwickshire Family*, plate facing p. 75.

[5] *Ibid.*, pp. 75–6, 127; Brewer, *op. cit.*, p. 79; *Vict. Cty. Hists.*, *Warwickshire*, vi, 66.

[6] W.-Boughton-Leigh, *op. cit.*, pp. 105, 151; L. G. Champion, 'The preaching baronet', *Baptist Quart.*, x (1941), 429–33.

[7] G.E.C., *op. cit.*, v. p. 164–5; *The Scots Magazine*, lix (1797), 72-a; J. Grant, *Cassell's Old and New Edinburgh*, 3 vols., (1884), ii. 159.

the name Ward-Boughton-Leigh.[1] After Sir Egerton's death in 1818, Lady Leigh married for her third husband, as his second wife, Barry Edward O'Meara, the British naval surgeon who accompanied Napoleon to St. Helena and there became his ardent partisan and the bitter enemy of Sir Hudson Lowe.[2] One of the attorney-general's daughters, Martha, married Nathan Garrick,[3] the nephew of David Garrick, and another, Elizabeth, married in Charleston in 1780 Friedrich Wilhelm von der Malsburg, an officer of the Hessian troops employed by George III in the Revolutionary War. She returned with him to Germany, but she must have kept in touch with her brother in England, for he christened his daughter 'Theodosia de Malsburg Leigh'. Two boys were born of the marriage. The second, after following in his father's footsteps and serving in Napoleon's army in the Moscow campaign, succeeded in 1824 to the family estate of Escheberg in Hesse-Kassel, and made the house a centre of literary and artistic activity, attracting to it as visitors a number of writers and artists, of whom the best remembered to-day is the poet Emanuel Geibel.[4]

[1] W.-Boughton-Leigh, *op. cit.*, p. 53.

[2] *Dict. Nat. Biog; S. Carolina Hist. and Geneal. Mag.*, lii (1951), 235.

[3] R. A. Austen-Leigh, *The Eton College Register, 1753-1790* (Eton, 1921), p. 214.

[4] J. S. Rosengarten, *The German Allied Troops in the North American War of Independence* (Albany, N.Y., 1893), pp. 11, 305; E. J. Lowell, *The Hessians and the Other German Auxiliaries of Great Britain in the Revolutionary War* (New York, 1884), p. 83; P. Heidelbach, *Deutsche Dichter und Künstler in Escheberg* (Marburg, 1913).

ROYAL HISTORICAL SOCIETY

REPORT OF COUNCIL. SESSION 1954-55

The Council of the Royal Historical Society have the honour of presenting the Annual Report to the Anniversary Meeting as follows:

In March the Literary Director offered his resignation as from such date as might be convenient to the Council, and the Council supplied the vacancy so created, in accordance with By-Law XIX, by the appointment of Professor Denys Hay, of the University of Edinburgh, to the office as from 1 October, 1955. Professor R. A. Humphreys has likewise expressed his wish to relinquish the office of Honorary Secretary. The Council accordingly submit to the Anniversary Meeting the names of Dr. R. W. Greaves for election as Honorary Secretary and of Professor Denys Hay as Literary Director. They also propose to the Meeting the appointment of Dr. J. W. F. Hill as Honorary Solicitor to the Society.

Since assuming the office of Literary Director in November, 1945, Mr. Grierson has produced for the Society no less than thirty-one volumes, namely, ten volumes of *Transactions*, nineteen volumes in the *Camden Third Series*, and two *Handbooks*. To this labour there has been added the annual task of the preparation of the list of papers to be read at the Society's meetings. Faced at the outset with arrears that had accumulated through no fault of his predecessors but by reason of the difficulties met with by editors during the war years, and of paper shortages and other obstructions suffered by the printing trade, difficulties that by no means disappeared with the return of peace, Mr. Grierson resigned his office having brought the publication of the series for which he was responsible wholly up to date. Of all this, and of the learning and administrative skill that Mr. Grierson has placed at the service of the Society, the Council are deeply appreciative.

Professor Humphreys undertook the office of Honorary Secretary in 1953 in order to afford the Council time for deliberation and upon the understanding that he would only retain it for a

short period. Dr. Greaves having agreed to allow his name to be proposed to the Anniversary Meeting, it is in accordance with this understanding that Professor Humphreys now wishes to withdraw. The Council are under great obligations to him for the work that he has done for the Society during the last two years, and desire to record their gratitude to him.

The representation of the Society upon various bodies during the session was as follows: Professor W. Rees served on the National Co-operating Body for the Social Sciences (for the purposes of Unesco), Professor J. G. Edwards (or in the event of his being unable to attend a meeting, Mr. T. F. Reddaway) on the Advisory Council on the Export of Works of Art, Professor Margaret Deanesly, Professor A. Goodwin and Professor R. Pares on the British National Committee of the International Historical Congress, Professor J. G. Edwards on the Council of the British Records Association, Mr. T. F. Reddaway on the Standing Conference for Local History, Professor V. H. Galbraith on the Advisory Committee appointed by the Minister of Town and Country Planning to supervise the listing of buildings of special architectural and historic interest, and Professor W. N. Medlicott on the Committee to advise the publishers of the *Annual Register*. Professor Helen M. Cam represents the Society on a joint committee of the American Historical Association, the Mediaeval Academy of America, the British Academy and the Royal Historical Society, established to produce a new edition of Gross, *Sources and Literature of English History*, and other bibliographies of British history. The Society was represented by Professor J. G. Edwards at the preparatory meeting of the International Committee for the edition of a collection of the sources for medieval history held in Rome in November, 1954, and Mr. P. Grierson has been appointed to represent the Society upon a committee to regulate British coöperation in the preparation of a new Repertory of Medieval Sources to take the place of Potthast's *Bibliotheca Historica Medii Aevi*. The Honorary Secretary was appointed to represent the Society at the International Historical Congress held in Rome in September, 1955.

Four volumes of the Society's publications were issued during the session, namely, *Transactions*, *Fifth Series*, Volume 5, *The Sermons of Thomas Brinton, Bishop of Rochester* (*1373–1389*), two volumes, edited by Sister Mary Aquinas Devlin, and *The War*

of Saint-Sardos (1323–1325): Gascon correspondence and diplomatic documents, edited by Dr. Pierre Chaplais. The three *Camden* volumes were numbered Volumes LXXXV–LXXXVII in *Camden Series, Third Series*; these volumes were allocated respectively to the years 1951–52, 1952–53 and 1953–54. These publications, together with a further *Camden* volume now in the press, complete the issue of the volumes due to Fellows and Subscribing Libraries down to and including the session 1954–55. The council have approved for publication in the *Camden Series* a volume entitled *Letters from the English Abbots to the Chapter at Cîteaux, 1442–1521*, to be edited by Dr. C. H. Talbot.

The preparation of a new edition of *Fasti ecclesiæ anglicanæ, 1066–1541* has been taken over by the Institute of Historical Research of the University of London, and this work has been removed from the list of those accepted for future publication by the Society. Agreement has been reached by the Society and the British Academy with the American Historical Association and the Mediaeval Academy of America upon a plan for the preparation of a new edition of Gross and other bibliographies of British history; and steps are being taken to place this plan before one of the Foundations. The compilation of *Writings on British History, 1940–1945* has been completed, and progress has been made with the preparation of the new edition of the *Handbook of British Chronology*.

The Council have presented to King's College, University of London, for incorporation in the library of military history there, the collection of works on that subject formerly belonging to Colonel E. M. Lloyd (1840–1922). The Council were of the opinion that by so doing they would more effectively promote the studies in which Colonel Lloyd was interested and preserve his name as a military historian than by retaining the books in the Society's library, where they had become an isolated and anomalous fragment and were never consulted. King's College has undertaken to identify each volume as being part of the Lloyd Collection.

The following papers were read during the session 1954–55:

'The re-establishment of the church of England, 1660–1663.' By Miss E. A. O. Whiteman. (9 October, 1954.)

'Emigration and the state, 1833–1855: an essay in administrative history.' By O. O. G. M. MacDonagh. (13 November, 1954.)

'English provincial towns in the early sixteenth century.' By W. G. Hoskins. (8 January, 1955.)

'Empire and papacy: the last struggle.' By H. S. Offler. (12 February, 1955.)

'Charles II and the Cardinal de Retz.' By F. J. Routledge. (12 March, 1955.)

'The political creed of Thomas Cromwell.' By G. R. Elton. (14 May, 1955.)

The President, Professor H. Hale Bellot, delivered an address at the Anniversary Meeting on 11 December, 1954, on 'Council and cabinet in the mainland colonies'. The Alexander Prize was awarded to Dr. G. F. E. Rudé for his essay on 'The Gordon riots: a study of the rioters and their victims'. The essay was read at the meeting on 11 June, 1955. The annual garden party was held on 9 July, 1955.

At the Anniversary Meeting on 11 December, 1954, Professor V. H. Galbraith and Professor J. E. Neale were elected Honorary Vice-Presidents. The Vice-Presidents retiring under By-law XVII were Professor T. S. Ashton and Professor Dame Lillian Penson. Professor A. Browning and Professor E. F. Jacob were elected to fill the vacancies. The members of Council retiring under By-law XVII were Professor H. J. Habakkuk, Dr. J. W. F. Hill, Miss M. McKisack and Professor R. F. Treharne. G. S. R. Kitson Clark, Professor D. Hay, Professor J. H. Le Patourel and Professor R. B. Wernham were elected to fill the vacancies. Messrs. C. Ryland Beeby, Harmar and Co. were appointed auditors for the year 1954–55.

Council record with regret the death of 15 Fellows: among these, Council would mention specially Professor Sir Raymond Beazley, a member of Council from 1895 to 1917 and an Honorary Vice-President from 1917 until his death, and Mr. Herbert Wood, a Corresponding Member from 1921 to 1926 and a member of Council from 1933 to 1938. 6 Fellows and 1 Associate have resigned. 1 Fellow and 6 Subscribing Libraries have been removed from the roll. 16 Fellows and 7 Associates have been elected and 10 Libraries have been admitted as Subscribing Libraries. 3 Associates have been elected to the Fellowship. The membership of the Society on 30 June, 1955, was 749 Fellows, 29 Corresponding Members, and 106 Associates. Of the Fellows. 250 were life members. The Subscribing Libraries numbered 402,

24 Societies, British and foreign, exchanged their publications with those of the Royal Historical Society.

The Treasurer reports that the income of the Society for the year 1 July, 1954, to 30 June, 1955, exceeded the expenditure chargeable against it by £261 6s. 10d. This surplus has been allocated to Publications. The sum of £1,691 6s. 10d. has thus been granted for Publications, as against £1,626 12s. 2d. in the previous year, making, with the addition of the proceeds of sales, an allocation to the Publication Fund of £1,996 4s. 11d., compared with £1,986 8s. 2d.

ROYAL HISTORICAL SOCIETY

I.—Income and Expenditure Account for the Year ended 30 June 1955

Dr. *Cr.*

1954	*Expenditure*			£ s. d.
£				
	Establishment Expenses			
202	Rent—96, Cheyne Walk	£202 2 0		
19	Rent—Warehousing of Stock	19 10 0		
94	Rates	86 15 5		
24	Insurances, *less* Commission	25 16 7		
12	Repairs	16 6 0		
51	Furniture and Fittings	62 8 0		
60	Wages	30 5 11		
32	Extra Service and Cleaning	12 9 2		
25	Lighting and Heating	10 6 8		
10	National Insurance	12 15 6		
12	Catering	4 2 6		
6	Sundries		482 17 9	
547				
	Secretarial and Administrative Expenses			
500	Salary	500 0 0		
50	Superannuation	50 0 0		
206	Clerk's Salary	247 18 4		
19	National Insurance	20 5 6		
128	General Printing and Stationery (*less* Sales of Official Pamphlet, £1 15s. 0d.)	121 11 6		
39	Accountancy and Audit	38 17 0		
48	Postages	54 6 9		
17	Telephone	16 14 2		
20	Sundries	18 7 4	1,068 0 7	
1,027				
	Other Charges			
6	Alexander Prize Medal	5 13 4		
5	do. Examiner's Fee			
1	Friends of National Libraries	1 1 0		
1	British Records Association	1 0 0		
16	British National Committee of the International Congress of Historical Sciences	15 15 0		
29	Counsel's opinion *re* Covenants		23 9 4	
58				
100	**Library**—Grant		140 0 0	
100	**Contingencies Reserve Fund**—Grant		100 0 0	
	Publications			
160	Director's Honorarium	160 0 0		
350	Salary of Assistant Officer			
45	Other Secretarial Expenses	40 0 0		
10	National Insurance			
1,290	Publications Account: Grant	1,430 0 0		
360	Proceeds from sales (*per contra*) transferred	304 18 1	1,734 18 1	
—	Writings on British History—Grant		350 0 0	
2,215			2,284 18 1	
4,047	**Balance**, being Excess of Income over Expenditure		4,099 5 9	

1954	*Income*			£ s. d
£				
	Subscriptions			
	Received for 1955—			
102	Associates	£112 6 8		
1,128	Libraries	1,142 10 11		
1,469	Fellows	1,518 10 9		
2,699			2,773 8 4	
111	Arrears of subscriptions received		111 18 2	
352	Life Subscriptions	276 3 0		
209	*Less* Proportion required by By-law IX to be invested	157 8 0	118 15 0	
143				
	Interest and Dividends			
282	From General Investments	273 13 4		
732	From Sir George W. Prothero Bequest	726 18 4		
37	Bank Interest	36 2 1	1,036 13 9	
1,051				
	Royalties			
19	From Sir George W. Prothero Bequest		14 19 3	
360	**Sales of Publications**		304 18 1	

ROYAL HISTORICAL SOCIETY

II.—Balance Sheet 30 June 1955

1954 £		£ s. d.	1954 £		£ s. d.	£ s. d.
	Funds			**Investments**		
30,500	Balances at 30 June 1955 as per Account III	28,734 0 9	8,551	General Account (Market Value at 30 June 1955, £6,274 7s. 4d.)	£8,007 3 2	
			22,380	Sir George W. Prothero Bequest (Market Value at 30 June 1955, £17,233 3s. 2d.)	22,294 14 7	
			30,931			30,301 17 9
205	Subscriptions received in advance	234 2 7		**Current Assets**		
	Investment Reserve Account			Balances at Banks:—		
2,362	As at 30th June 1954	2,362 10 0	374	Current Accounts	219 18 6	
			35	Deposit Account	4 14 1	
			571	Post Office Savings Bank	21 12 9	
			1,156	London Trustee Savings Bank	781 1 2	
			—	Cash in hand	1 9 1	
			2,136			1,028 15 7
				Note: The Society also owns the Library Furniture and Office Equipment at 96, Cheyne Walk, Chelsea, and a Stock of its own publications, the cost of which has been written off to Income and Expenditure Account.		
£33,067		£31,330 13 4	£33,067			£31,330 13 4

We have examined the foregoing Income and Expenditure Account and Balance Sheet with the Books and Vouchers of the Society. We have verified the Investments appearing in the Balance Sheet. We report that the above Balance Sheet is, in our opinion, properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Society, according to the best of our information and explanations given to us, and as shown by the books of the Society.

C. RYLAND BEEBY, HARMAR & CO.,
Chartered Accountants, Auditors.

119/125, Finsbury Pavement, London, E.C.2.

ROYAL HISTORICAL SOCIETY

III.—Statement of Funds 30 June 1955

	Balance at the Beginning of the Year.		Grants and Additions during the Year.		Expenditure and Withdrawals during the Year.		Balance at the End of the Year.
	£ s. d.		£ s. d.		£ s. d.		£ s. d.
The Sir George W. Prothero Bequest	22,412 15 11		—	(a)	88 5 6		22,324 10 5
Life Subscription Fund	3,029 8 0	(b)	157 8 0	(c)	89 14 0		3,097 2 0
Contingencies Reserve Fund	712 0 4	(d)	100 0 0	(e)	564 17 0		247 3 4
Pension Fund	506 4 6		—	(f)	150 0 0		356 4 6
Library Fund	*Overspent* 40 17 11	(g)	178 8 11		144 8 11		*Overspent* 6 17 11
Publications Fund (h)	2,792 0 0		1,996 4 11		3,427 12 4		1,360 12 7
'Writings on British History' Fund	97 8 9	(i)	350 0 0		102 4 8		345 4 1
General Fund	990 11 11	(c)	89 14 0	(k)	70 4 2		1,010 1 9
	£30,499 11 6		£2,871 15 10		£4,637 6 7		£28,734 0 9

REFERENCES

(a) Loss on sale of £1,032 10s. British Electricity 3% Guaranteed Stock 1968/73.
(b) Proportion of Life Subscriptions received in 1955 and required by By-Law IX to be invested.
(c) Proportion of Life Subscriptions transferred to General Fund in accordance with By-Law IX.
(d) Grant for the year.
(e) Cost of purchase of an Annuity of £100 p.a. in favour of Miss Curran.
(f) Payments to Miss Curran.
(g) £38 8s. 11d. proceeds from Sales during the year, *plus* £140 Grant for the year.
(h) See Account IV.
(i) Grant for the year.
(k) Loss on sale of £699 9s. 9d. Consols 2½%.

ROYAL HISTORICAL SOCIETY

IV.—Publications Account for the Year ended 30 June 1955

Dr. *Cr.*

	£	s.	d.		£	s.	d.
To Payments made during the year:—				By Balance of Allocations at 30 June 1954, Brought Forward	2,792	0	0
Camden Third Series:—				,, Allocation for Publications, 1954–55:—			
Vols. 85 and 86 (*less* £213 19s. 8d. payment by Editor towards cost of proof corrections)	1,750	19	3	Grants 1,691 6 10			
Vol. 87 (*less* £30 payment by Editor towards cost of proof corrections)	997	11	2	Proceeds of Sales 304 18 1			
Transactions:—				(As per Income and Expenditure Acct.)			
5th Series, Vol. 5	640	15	2		1,996	4	11
Binding—80 Domesday of Inclosures	10	8	1				
17 Camden New Series 52	2	5	0				
17 do. 55	2	2	10				
Sundry Postages, Packing and Expenses	23	10	10				
	3,427	12	4				
,, Balance of Allocations at 30 June 1955 (required to meet cost of publications due to subscribers at date of account)	1,360	12	7				
	£4,788	4	11		£4,788	4	11

THE DAVID BERRY TRUST

Receipts and Payments Account for the Year ended 30 June 1955

Receipts	£	s.	d.
To Balance in Hand, 30 June 1954, brought forward from last Account, viz.:			
Cash at Bank: Current Account . £109 11 3			
Post Office Savings Bank 7 4 4			
In Hand . . . 10 5			
£100 3% Defence Bonds (at cost) . 100 0 0			
£200 2½% Defence Bonds (at cost) . 200 0 0			
	417	6	0
,, Dividends on Investments per Charity Commissioners	35	14	8
,, Interest on £100 3% Defence Bonds . . .	3	0	0
,, Interest on £200 2½% Defence Bonds . . .	5	0	0
,, Interest on Deposit Account at Bank . . .		2	0
	£461	2	8

Payments	£	s.	d.
By Printing and Postage		2	8	5
,, Balance in Hand, 30 June 1955, carried forward, viz.:				
Cash at Bank: Current Account . 151 2 6				
Post Office Savings Bank 7 6 4				
In Hand . . . 5 5				
£100 3% Defence Bonds (at cost) . 100 0 0				
£200 2½% Defence Bonds (at cost) . 200 0 0				
	458	14	3
	£461	2	8

We have examined the above account and find it correct.

C. RYLAND BEEBY, HARMAR & CO.,
Chartered Accountants, Auditors.

119/125, Finsbury Pavement, London, E.C.2.

The late David Berry, by his Will dated the 23rd day of April, 1926, left £1,000 to provide in every third year a gold medal and prize money for the best essay on the Earl of Bothwell, or, at the discretion of the Trustees, on Scottish History of the James Stuarts I to VI, in memory of his father, the late Rev. David Berry.

The Trust is now regulated by a Scheme sanctioned by the Chancery Division of the High Court of Justice dated the 23rd day of January 1930, and made in an Action 1927.A.1233 David Anderson Berry, decd., Hunter and another *v.* Robertson and another.

This Society is now the Trustee, and the investments held on Capital Account consist of £634 17s. 2d. 3½% Conversion Stock and £540 13s. 2d. Treasury Stock 2½% 1975.

The Trustee will in every second year of the three-year period advertise in *The Times* inviting essays.

ALEXANDER PRIZE

The Alexander Prize was established in 1897 by L. C. Alexander, F.R.Hist.S. It consists of a Silver Medal awarded annually for an essay upon some historical subject. Candidates may select their own subject provided such subject has been previously submitted to and approved by the Literary Director. The essay must be a genuine work of original research, not hitherto published, and one which has not been awarded any other prize. It must not exceed 6,000 words in length and must be sent in on or before 31 January 1956. The detailed regulations should be obtained in advance from the Secretary.

LIST OF ALEXANDER PRIZE ESSAYISTS (1898–1955)[1]

1898. F. Hermia Durham ('The relations of the Crown to trade under James I').
1899. W. F. Lord, B.A. ('The development of political parties in the reign of Queen Anne').
1901. Laura M. Roberts ('The Peace of Lunéville').
1902. V. B. Redstone ('The social condition of England during the Wars of the Roses').
1903. Rose Graham ('The intellectual influence of English monasticism between the tenth and twelfth centuries').
1904. Enid W. G. Routh ('The balance of power in the seventeenth century').
1905. W. A. P. Mason, M.A. ('The beginnings of the Cistercian Order').
1906. Rachel R. Reid, M.A. ('The Rebellion of the Earls, 1569').
1908. Kate Hotblack ('The Peace of Paris, 1763').
1909. Nellie Nield, M.A. ('The social and economic condition of the unfree classes in England in the twelfth and thirteenth centuries').
1912. H. G. Richardson ('The parish clergy of the thirteenth and fourteenth centuries').
1917. Isobel D. Thornley, B.A. ('The treason legislation of 1531–1534').
1918. T. F. T. Plucknett, B.A. ('The place of the Council in the fifteenth century').
1919. Edna F. White, M.A. ('The jurisdiction of the Privy Council under the Tudors').
1920. J. E. Neale, M.A. ('The Commons Journals of the Tudor Period').
1922. Eveline C. Martin ('The English establishments on the Gold Coast in the second half of the eighteenth century').

[1] No award was made in 1900, 1907, 1910, 1911, 1913, 1914, 1921, 1946, 1948. The prize Essays for 1909 and 1919 were not published in the *Transactions*. No Essays were submitted in 1915, 1916 and 1943.

1923. E. W. Hensman, M.A. ('The Civil War of 1648 in the east midlands').
1924. Grace Stretton, B.A. ('Some aspects of mediæval travel').
1925. F. A. Mace, M.A. ('Devonshire ports in the fourteenth and fifteenth centuries').
1926. Marian J. Tooley, M.A. ('The authorship of the *Defensor Pacis*').
1927. W. A. Pantin, B.A. ('Chapters of the English Black Monks, 1215–1540').
1928. Gladys A. Thornton, B.A., Ph.D. ('A study in the history of Clare, Suffolk, with special reference to its development as a borough').
1929. F. S. Rodkey, A.M., Ph.D. ('Lord Palmerston's policy for the rejuvenation of Turkey, 1839–47').
1930. A. A. Ettinger, D.Phil. ('The proposed Anglo-Franco-American Treaty of 1852 to guarantee Cuba to Spain').
1931. Kathleen A. Walpole, M.A. ('The humanitarian movement of the early nineteenth century to remedy abuses on emigrant vessels to America').
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1934. S. B. Chrimes, M.A., Ph.D. ('Sir John Fortescue and his theory of dominion').
1935. S. T. Bindoff, M.A. ('The unreformed diplomatic service, 1812–60').
1936. Rosamond J. Mitchell, M.A., B.Litt. ('English students at Padua, 1460–1475').
1937. C. H. Philips, B.A. ('The East India Company "Interest", and the English Government, 1783–4').
1938. H. E. I. Phillips, B.A. ('The last years of the Court of Star Chamber, 1630–41').
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1941. R. A. L. Smith, M.A., Ph.D. ('The *Regimen Scaccarii* in English monasteries').
1942. F. L. Carsten, D.Phil. ('Medieval democracy in the Brandenburg towns and its defeat in the fifteenth century').
1944. Rev. E. W. Kemp, B.D. ('Pope Alexander III and the canonization of saints').
1945. Helen Suggett, B.Litt. ('The use of French in England in the later middle ages').
1947. June Milne, B.A. ('The diplomacy of Dr. John Robinson at the court of Charles XII of Sweden, 1697–1709').
1949. Ethel Drus, M.A. ('The attitude of the Colonial Office to the annexation of Fiji').
1950. Doreen J. Milne, M.A., Ph.D. ('The results of the Rye House Plot, and their influence upon the Revolution of 1688').
1951. K. G. Davies, B.A. ('The origins of the commission system in the West India trade').

1952. G. W. S. Barrow, B.Litt. ('Scottish rulers and the religious orders, 1070–1153').
1953. W. E. Minchinton, B.Sc.(Econ.) ('Bristol—metropolis of the west in the eighteenth century').
1954. Rev. L. Boyle, O.P. ('The *Oculus Sacerdotis* and some other works of William of Pagula').
1955. G. F. E. Rudé, M.A., Ph.D. ('The Gordon riots: a study of the rioters and their victims').

DAVID BERRY PRIZE

The David Berry Prize was established in 1929 by David Anderson-Berry in memory of his father, the Reverend David Berry. It consists of a Gold Medal and Money Prize awarded every three years for Scottish History. Candidates may select any subject dealing with Scottish History within the reigns of James I to James VI inclusive, provided such subject has been previously submitted to and approved by the Council of the Royal Historical Society. The Essay must be a genuine work of original research not hitherto published, and one which has not been awarded any other prize. There is no limit to the length of the Essay. It must be sent in on or before 31 October 1958.

LIST OF DAVID BERRY PRIZE ESSAYISTS (1937–1949)[1]

1937. G. Donaldson, M.A. ('The polity of the Scottish Reformed Church *c.* 1560–1580, and the rise of the Presbyterian movement').
1943. Rev. Prof. A. F. Scott Pearson, D.Th., D.Litt. ('Anglo-Scottish religious relations, 1400–1600').
1949. T. Bedford Franklin, M.A., F.R.S.E. ('Monastic agriculture in Scotland, 1440–1600').

[1] No Essays were submitted in 1940. No awards were made in 1946 and 1952.

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Bonn, Universitäts-Bibliothek, Am Hof 32–34.
Erlangen, Universitäts-Bibliothek, Universitätsstr. 1.
Freiburg i. Br., Universitäts-Bibliothek, Rempartstrasse 15.
Göttingen, Niedersächsische Staats- und Universitäts-Bibliothek, Prinzenstrasse 1.
Greifswald, Universitäts-Bibliothek, Rubenowstr. 4.
Halle, Universitaets-und Landesbibliothek Sachsen-Anhalt, August Bebel Str. 13, Halle/S.
Hamburg, Staats- und Universitäts-Bibliothek, Moorweidenstrasse 40, Hamburg 13.
Heidelberg, Universitäts-Bibliothek.
Köln, Universitäts und Stadtbibliothek, Albertus-Magnus-Platz.
Marburg, Universitäts-Bibliothek, Friedrichsplatz 15.
(Lahn), Westdeutsche Bibliothek, Universitätsstrasse 25.
München, Bayerische Staats-Bibliothek.
Münster (Westf.), Universitäts-Bibliothek, Bispinghof 24–25.
Saarbruecken (Saarland), Universitaets-Bibliothek, Universitaet des Saarlandes.
Stuttgart, Württembergische Landesbibliothek, Urbanstrasse 19, Stuttgart-O.

HOLLAND

The Hague, Royal Library, Lange Voorhout 34.
Leiden, Bibliotheek der Rijksuniversiteit, Rapenburg 70–74.

HUNGARY

Budapest, Eötvös Lórant Tudomanyegyetem Könyvtára.

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Dublin, King's Inns Library.
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Royal Irish Academy, 19 Dawson Street.
Trinity College.

ISRAEL

Jerusalem, Jewish National and University Library, P.O. Box 503, Jerusalem, Palestine.

ITALY

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Rome, Biblioteca della Camera dei Deputati, Piazza Montecitorio.
Vatican City, Biblioteca Apostolica Vaticana.

JAPAN

Kyoto, Kyoto University, Bungaku-bu Library, Honmachi Yoshida Sakyo-ku.
Tokyo, Waseda University.

NORWAY

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Warsaw, Ministry of Foreign Affairs.

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Lisbon, Biblioteca Nacional.

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Lund, Universitetsbiblioteket.
Stockholm, Humanistiska Biblioteket, Stockholms Högskola, Stockholm 6.
Kungl. Bibliotek.
Uppsala, Universitetsbiblioteket.

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New England Historic Genealogical Society, 9 Ashburton Place.
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Evanston (Ill.), North Western University.

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Gambier (Ohio), Kenyon College.

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New York (N.Y.), Columbia University.
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Union Theological Seminary, Broadway at 120th Street, New York, 27.
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Pennsylvania University.
St. Clement's Library, Locust Street at Forty Second Street.
Temple University, Philadelphia, 22.
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Poughkeepsie (N.Y.), Vassar College.
Princeton (N.J.), Institute for Advanced Study.
Princeton University.
Providence (R.I.), Brown University.
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Virginia State Library.
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South Hadley (Mass.), Mount Holyoke College.
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Stanford (Calif.), University.
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Storrs (Conn.), University of Connecticut, Wilbur Cross Library.
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Terre Haute (Ind.), Indiana State Normal School.

University (Ala.), University of Alabama.
Urbana (Ill.), Illinois University.

Washington (D.C.), Catholic University of America.
Folger Shakespeare Library.
Georgetown University, Washington, 7.
Wellesley (Mass.), Wellesley College.
Williamstown (Mass.), Williams College.

URUGUAY

Montevideo, Instituto de Investigaciones Historicas, Universidad de Montevideo, Facultad de Humanidades y Ciencias, Cerrito 73.

U.S.S.R.

Moscow, Library of Social Sciences of the Academy of Science of U.S.S.R.

HISTORICAL SOCIETIES IN GREAT BRITAIN AND IRELAND

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Royal Society of Antiquaries of Ireland, 63 Merrion Square, Dublin.
Society of Antiquaries of Scotland, Queen Street, Edinburgh.
The Hon. Society of Cymmrodorion, 20 Bedford Square, W.C.1.
Surrey Archæological Society, Castle Arch, Guildford.
Jewish Historical Society, Mocatta Library, University College, Gower Street, W.C.1.
Thoroton Society, Bromley House, Angel Row, Nottingham.

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Académie Royale de Belgique, Commission Royale d'Histoire, Palais des Academies, rue Ducale, 1, Brussels.

BULGARIA

Académie Bulgare des Sciences, rue 7 Novembre 1, Sofia.

FRANCE

Bibliothèque de l'Université de Toulouse, 2 rue de l'Université, Toulouse, Haute-Garonne.
Société de l'École Nationale des Chartes, 19 rue de la Sorbonne, Paris.
Société de l'Histoire de France, 60 rue des Francs-Bourgeois, Paris.

GERMANY

Hansischer Geschichtesverein, St. Annen-Strasse 2, Lübeck.

HOLLAND

Bureau van de Rijks Commissie voor Vaderlandse Geschiedenis, 7 Bleyenburg, The Hague.
Historisch Genootschap, Utrecht, c/o Bibliothèque de l'Université.

PAKISTAN

Pakistan Historical Society, 2/45 Jacob Lines, Karachi.

POLAND

Société des Sciences et des Lettres de Varsovie, L'Université, Warsaw.

SWEDEN

Historisk Tidskrift, Storgatan 41, Stockholm.

SWITZERLAND

Allgemeine Geschichtsforschende Gesellschaft der Schweiz. Stadt Bibliothek, Berne.

UNITED STATES

Library of Congress, Washington, D.C.

U.S.S.R.

Moscow, State Historical Library.
State Lenin Library, Ulitza Kalinina 3.
Ukrainian Academy of Sciences.

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Fourth series, 1918–1950. Vols. I to XXXII.
Fifth series, 1951– . Vols. I–V.

MISCELLANEOUS PUBLICATIONS

†Domesday commemoration. Notes on the manuscripts, etc., exhibited at the Public Record Office. 1886. 6s. 6d.

* Vols. 1, 2, 3, 4, 5, 7, 9 and 10 of the Old series, vols. 1, 3 and 10 of the New series and vol. 9 of the Third series are out of print. New series vols. 2 and 19 and Fourth series vol. 1 are only supplied by special leave of the Council. Others are supplied at the following rates: current number, 15s.; volumes of the Old series, 10s. each; volumes of the New and Third series, 13s. 6d. each; volumes of the Fourth and Fifth series, 10s. each. The earliest volumes of the *Transactions* were issued to Fellows in unbound parts. Any discrepancies in the lettering of bound volumes during these periods are doubtless due to this.

† Out of print.

Domesday studies. 2 vols. Edited by P. E. Dove. 1886. 32s.

†England and Napoleon in 1803: being the despatches of Lord Whitworth and others. Edited by Oscar Browning. 1887. 10s.

Walter of Henley's Husbandry, together with an anonymous Husbandry, Seneschaucie, and Robert Grosseteste's Rules. Edited by Elizabeth Lamond and the Rev. W. Cunningham. 1890. 16s.

Proceedings of the Gibbon commemoration 1794–1894. 1895. 6s. 6d.

*The Domesday of Inclosures, 1517–18. Edited by I. S. Leadam. 2 vols. 1897. 40s.

†A bibliography of the historical works of Mandell Creighton, William Stubbs, S. R. Gardiner and John, Lord Acton. Edited by W. A. Shaw. 1903. 6s. 6d.

German opinion and German policy before the War. By G. W. Prothero. 1916. 5s. 6d.

Magna Carta commemoration essays. With preface by the Right Hon. Viscount Bryce. Edited by H. E. Malden. 1917. 33s. 6d.

*A repertory of British archives. Part I. England. Compiled by Hubert Hall. 1920. 10s. 6d.

*A list and index of the Transactions and publications of the Royal Historical Society (1869–1924) and of the publications of the Camden Society (1840–1897). Edited by Hubert Hall. 1925. 5s.

The *Domesday monachorum* of Christ Church, Canterbury. 1944. 30s.

BIBLIOGRAPHIES ISSUED IN CONJUNCTION WITH THE AMERICAN HISTORICAL ASSOCIATION

Bibliography of British history: Tudor period, 1485–1603. Edited by Conyers Read. 1933. Oxford Univ. Press, 35s. (Special price, 24s.) (Out of print.)

Bibliography of British history: Stuart period, 1603–1714. Edited by Godfrey Davies. 1928. Oxford Univ. Press, 25s. (Special price, 19s. 6d.)

Bibliography of British history: 1714–1789. Edited by S. M. Pargellis and D. J. Medley. 1951. Oxford Univ. Press, 42s. (Special price, 32s. 6d.)

ANNUAL BIBLIOGRAPHIES

Writings on British history, 1934. Compiled by A. T. Milne. 1937. London, Jonathan Cape, 12s. 6d. (Special price, 10s.)

Writings on British history, 1935. Compiled by A. T. Milne. 1939. London, Jonathan Cape, 12s. 6d. (Special price, 10s.)

Writings on British history, 1936. Compiled by A. T. Milne. 1940. London, Jonathan Cape, 12s. 6d. (Special price, 10s.)

Writings on British history, 1937. Compiled by A. T. Milne. 1949. London, Jonathan Cape, 21s. (Special price, 18s.)

Writings on British history, 1938. Compiled by A. T. Milne. 1951. London, Jonathan Cape, 21s. (Special price, 18s.)

Writings on British history, 1939. Compiled by A. T. Milne. 1953. London, Jonathan Cape, 21s. (Special price, 18s.)

GUIDES AND HANDBOOKS

1. Guide to English commercial statistics, 1696–1782. By G. N. Clark, with a catalogue of materials by Barbara M. Franks. 1938. 7s. 6d.

†2. Handbook of British chronology. Edited by F. M. Powicke, with the assistance of Charles Johnson and W. J. Harte. 1939. 7s. 6d.

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†3. Medieval libraries of Great Britain, an index of surviving books. Edited by N. R. Ker. 1941. 7s. 6d.
4. Handbook of dates for students of English history. By C. R. Cheney. 1945. 6s.
5. Guide to the national and provincial directories of England and Wales, excluding London, published before 1856. By Jane E. Norton. 1950. 10s. 6d.
6. Handbook of Oriental History. Edited by C. H. Philips. 1951. 12s. 6d.

Provisionally accepted for future publication:

List and index of parliamentary papers, 1700–1800. Edited by E. Wagstaff and A. T. Milne.
Bibliography of medieval cartularies. Edited by G. R. C. Davis.
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9. Speculi Britanniæ Pars: an historical and geographical description of the county of Essex, by John Norden, 1594. Edited by Sir H. Ellis. 1840.

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54. Promptorium parvulorum, Vol. II. Edited by A. Way. 1853. (*See* nos. 25 and 89.)

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60. Grants, etc., from the Crown during the reign of Edward V and two speeches for opening parliament, by John Russell, bishop of Lincoln, Lord Chancellor. Edited by J. G. Nichols. 1854.

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63. Charles I in 1646: Letters of Charles I to Queen Henrietta Maria. Edited by J. Bruce. 1856.

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